

**Senator Ann Millner** proposes the following substitute bill:

**DEPARTMENT OF GOVERNMENT OPERATIONS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ann Millner**

House Sponsor: Val L. Peterson

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**LONG TITLE**

**General Description:**

This bill combines the Department of Administrative Services, The Department of Technology Services, and the Department of Human Resource Management into one, new department, the Department of Government Operations.

**Highlighted Provisions:**

This bill:

- ▶ combines the Department of Administrative Services, the Department of Technology Services, and the Department of Human Resource Management into one, new department, the Department of Government Operations;
- ▶ transfers existing divisions and offices within the Department of Administrative Services to the Department of Government Operations;
- ▶ changes the Department of Technology Services and the Department of Human Resource Management to divisions within the Department of Government Operations;
- ▶ recodifies the following:
  - Title 63F, Utah Technology Governance Act;
  - Title 67, Chapter 19, Utah State Personnel Management Act;
  - Title 67, Chapter 19e, Administrative Law Judges; and



- 26 • Title 67, Chapter 25, General Requirements for State Officers and Employees;
- 27 ▶ repeals a catch-all criminal provision; and
- 28 ▶ makes conforming and technical changes.

29 **Money Appropriated in this Bill:**

30 This bill provides appropriations necessary to merge the Department of Administrative  
31 Services, the Department of Human Resource Management, and the Department of  
32 Technology Services into the new Department of Government Operations.

33 **Other Special Clauses:**

34 This bill provides a special effective date.

35 This bill provides revisor instructions.

36 This bill provides a coordination clause.

37 **Utah Code Sections Affected:**

38 AMENDS:

39 [4-41a-107](#), as enacted by Laws of Utah 2019, Chapter 341

40 [10-2-703](#), as last amended by Laws of Utah 2019, Chapter 255

41 [11-36a-501](#), as enacted by Laws of Utah 2011, Chapter 47

42 [11-38-102](#), as last amended by Laws of Utah 2013, Chapter 310

43 [13-1a-3](#), as last amended by Laws of Utah 2006, Chapter 139

44 [13-2-3](#), as last amended by Laws of Utah 1999, Chapter 21

45 [15A-1-203](#), as last amended by Laws of Utah 2020, Chapter 339

46 [20A-20-201](#), as enacted by Laws of Utah 2020, Chapter 288

47 [26-61a-103](#), as last amended by Laws of Utah 2020, Chapter 12

48 [26-61a-111](#), as last amended by Laws of Utah 2020, Chapter 12

49 [31A-2-113](#), as enacted by Laws of Utah 1985, Chapter 242

50 [35A-1-205](#), as last amended by Laws of Utah 2010, Chapter 286

51 [35A-13-302](#), as last amended by Laws of Utah 2017, Chapter 223

52 [36-11-307](#), as last amended by Laws of Utah 2019, Chapter 339

53 [46-1-3](#), as last amended by Laws of Utah 2019, Chapter 192

54 [46-4-503](#), as last amended by Laws of Utah 2016, Chapter 348

55 [46-5-102](#), as enacted by Laws of Utah 2018, Chapter 100

56 [49-11-406](#), as last amended by Laws of Utah 2020, Chapter 24

- 57 [49-14-201](#), as last amended by Laws of Utah 2016, Chapter 227
- 58 [49-15-201](#), as last amended by Laws of Utah 2016, Chapter 227
- 59 [49-20-401](#), as last amended by Laws of Utah 2019, Chapter 393
- 60 [49-20-410](#), as last amended by Laws of Utah 2018, Chapter 155
- 61 [53-1-106](#), as last amended by Laws of Utah 2019, Chapter 441
- 62 [53-2a-105](#), as last amended by Laws of Utah 2020, Chapter 85
- 63 [53-2a-802](#), as last amended by Laws of Utah 2020, Chapter 365
- 64 [53-6-104](#), as last amended by Laws of Utah 2006, Chapter 139
- 65 [53-10-108](#), as last amended by Laws of Utah 2019, Chapters 136, 192, and 404
- 66 [53B-17-105](#), as last amended by Laws of Utah 2020, Chapter 365
- 67 [53C-1-201](#), as last amended by Laws of Utah 2020, Chapter 363
- 68 [53D-1-103](#), as last amended by Laws of Utah 2019, Chapters 370 and 456
- 69 [53E-8-301](#), as last amended by Laws of Utah 2019, Chapter 186
- 70 [54-1-6](#), as last amended by Laws of Utah 2006, Chapter 139
- 71 [54-4a-3](#), as last amended by Laws of Utah 2006, Chapter 139
- 72 [61-1-18](#), as last amended by Laws of Utah 2009, Chapter 351
- 73 [61-2-201](#), as last amended by Laws of Utah 2016, Chapter 381
- 74 [62A-1-121](#), as renumbered and amended by Laws of Utah 2018, Chapter 367
- 75 [62A-1-122](#), as last amended by Laws of Utah 2019, Chapter 335
- 76 [62A-15-613](#), as last amended by Laws of Utah 2018, Chapter 322
- 77 [63A-1-101](#), as renumbered and amended by Laws of Utah 1993, Chapter 212
- 78 [63A-1-102](#), as renumbered and amended by Laws of Utah 1993, Chapter 212
- 79 [63A-1-103](#), as last amended by Laws of Utah 2016, Chapter 298
- 80 [63A-1-104](#), as renumbered and amended by Laws of Utah 1993, Chapter 212
- 81 [63A-1-109](#), as last amended by Laws of Utah 2016, Chapter 193
- 82 [63A-1-114](#), as last amended by Laws of Utah 2018, Chapter 137
- 83 [63A-1-201](#), as renumbered and amended by Laws of Utah 2019, Chapter 370
- 84 [63A-1-203](#), as renumbered and amended by Laws of Utah 2019, Chapter 370
- 85 [63A-2-101](#), as last amended by Laws of Utah 1997, Chapter 252
- 86 [63A-4-101](#), as last amended by Laws of Utah 2006, Chapter 275
- 87 [63A-5b-202](#), as enacted by Laws of Utah 2020, Chapter 152

- 88            **63A-9-101**, as last amended by Laws of Utah 2017, Chapter 382
- 89            **63A-9-201**, as enacted by Laws of Utah 1996, Chapter 334
- 90            **63A-9-301**, as last amended by Laws of Utah 2010, Chapter 286
- 91            **63A-9-401**, as last amended by Laws of Utah 2015, Chapter 179
- 92            **63A-9-501**, as last amended by Laws of Utah 2006, Chapter 139
- 93            **63A-12-101**, as last amended by Laws of Utah 2019, Chapter 254
- 94            **63A-12-102**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 95            **63A-12-103**, as last amended by Laws of Utah 2019, Chapter 254
- 96            **63A-12-104**, as last amended by Laws of Utah 2020, Chapter 399
- 97            **63A-13-201**, as last amended by Laws of Utah 2019, Chapter 286
- 98            **63B-7-501**, as last amended by Laws of Utah 2008, Chapter 382
- 99            **63E-1-302**, as last amended by Laws of Utah 2006, Chapter 46
- 100           **63G-1-301**, as last amended by Laws of Utah 2018, Chapter 39
- 101           **63G-2-501**, as last amended by Laws of Utah 2020, Chapters 352 and 373
- 102           **63G-3-102**, as last amended by Laws of Utah 2020, Chapter 408
- 103           **63G-3-401**, as last amended by Laws of Utah 2020, Chapter 408
- 104           **63G-4-107**, as enacted by Laws of Utah 2016, Chapter 312
- 105           **63G-6a-103**, as last amended by Laws of Utah 2020, Chapters 152, 257, 365 and last
- 106 amended by Coordination Clause, Laws of Utah 2020, Chapter 365
- 107           **63G-6a-106**, as last amended by Laws of Utah 2020, Chapter 257
- 108           **63G-6a-116**, as last amended by Laws of Utah 2017, Chapter 348
- 109           **63G-6a-202**, as last amended by Laws of Utah 2020, Chapter 365
- 110           **63G-6a-302**, as last amended by Laws of Utah 2020, Chapter 257
- 111           **63G-6a-303**, as last amended by Laws of Utah 2020, Chapter 257
- 112           **63G-6a-506**, as last amended by Laws of Utah 2020, Chapter 257
- 113           **63G-7-901**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 114           **63G-9-303**, as last amended by Laws of Utah 2016, Chapter 118
- 115           **63G-10-501**, as enacted by Laws of Utah 2015, Chapter 355
- 116           **63G-21-102**, as last amended by Laws of Utah 2018, Chapter 281
- 117           **63J-1-206**, as last amended by Laws of Utah 2020, Chapters 152, 231, 402 and last
- 118 amended by Coordination Clause, Laws of Utah 2020, Chapter 231

- 119 [63J-1-219](#), as last amended by Laws of Utah 2020, Chapter 365
- 120 [63J-1-602.2](#), as last amended by Laws of Utah 2020, Fifth Special Session, Chapters 20
- 121 and 20
- 122 [67-1-8.1](#), as last amended by Laws of Utah 2017, Chapter 181
- 123 [67-5-7](#), as last amended by Laws of Utah 2007, Chapter 166
- 124 [67-5-22](#), as last amended by Laws of Utah 2008, Chapter 161
- 125 [67-8-3](#), as last amended by Laws of Utah 2020, Chapter 365
- 126 [67-8-5](#), as last amended by Laws of Utah 2020, Chapter 432
- 127 [67-19a-101](#), as last amended by Laws of Utah 2020, Chapter 155
- 128 [67-19a-202](#), as last amended by Laws of Utah 2020, Chapter 155
- 129 [67-19a-205](#), as enacted by Laws of Utah 2018, Chapter 390
- 130 [67-19a-303](#), as last amended by Laws of Utah 2018, Chapter 390
- 131 [67-19a-501](#), as last amended by Laws of Utah 2020, Chapter 155
- 132 [67-19d-201](#), as last amended by Laws of Utah 2011, Chapter 342
- 133 [67-19f-102](#), as last amended by Laws of Utah 2015, Chapter 368
- 134 [67-19f-201](#), as last amended by Laws of Utah 2015, Chapter 368
- 135 [67-20-8](#), as last amended by Laws of Utah 2006, Chapter 139
- 136 [67-22-2](#), as last amended by Laws of Utah 2018, Chapter 39
- 137 [67-26-102](#), as enacted by Laws of Utah 2020, Chapter 155
- 138 [67-26-202](#), as enacted by Laws of Utah 2020, Chapter 155
- 139 [67-26-301](#), as renumbered and amended by Laws of Utah 2020, Chapter 155
- 140 [72-1-202](#), as last amended by Laws of Utah 2020, Chapter 352
- 141 [79-2-401](#), as renumbered and amended by Laws of Utah 2009, Chapter 344

142 ENACTS:

- 143 [63A-17-107](#), Utah Code Annotated 1953
- 144 [63A-17-501](#), Utah Code Annotated 1953

145 RENUMBERS AND AMENDS:

- 146 [63A-16-101](#), (Renumbered from 63F-1-101, as enacted by Laws of Utah 2005, Chapter
- 147 169)
- 148 [63A-16-102](#), (Renumbered from 63F-1-102, as last amended by Laws of Utah 2020,
- 149 Chapter 365)

150           **63A-16-103**, (Renumbered from 63F-1-103, as last amended by Laws of Utah 2009,  
151 Chapter 183)  
152           **63A-16-104**, (Renumbered from 63F-1-104, as last amended by Laws of Utah 2020,  
153 Chapter 94)  
154           **63A-16-105**, (Renumbered from 63F-1-106, as last amended by Laws of Utah 2017,  
155 Chapter 238)  
156           **63A-16-106**, (Renumbered from 63F-1-107, as enacted by Laws of Utah 2005, Chapter  
157 169)  
158           **63A-16-201**, (Renumbered from 63F-1-201, as last amended by Laws of Utah 2019,  
159 Chapter 61)  
160           **63A-16-202**, (Renumbered from 63F-1-203, as last amended by Laws of Utah 2019,  
161 Chapter 246)  
162           **63A-16-203**, (Renumbered from 63F-1-204, as last amended by Laws of Utah 2017,  
163 Chapter 238)  
164           **63A-16-204**, (Renumbered from 63F-1-205, as last amended by Laws of Utah 2018,  
165 Chapter 81)  
166           **63A-16-205**, (Renumbered from 63F-1-206, as last amended by Laws of Utah 2020,  
167 Chapter 365)  
168           **63A-16-206**, (Renumbered from 63F-1-207, as last amended by Laws of Utah 2017,  
169 Chapter 238)  
170           **63A-16-207**, (Renumbered from 63F-1-208, as last amended by Laws of Utah 2017,  
171 Chapter 238)  
172           **63A-16-208**, (Renumbered from 63F-1-209, as last amended by Laws of Utah 2017,  
173 Chapter 238)  
174           **63A-16-209**, (Renumbered from 63F-1-210, as last amended by Laws of Utah 2017,  
175 Chapter 238)  
176           **63A-16-210**, (Renumbered from 63F-1-211, as enacted by Laws of Utah 2017, Chapter  
177 238)  
178           **63A-16-211**, (Renumbered from 63F-1-212, as last amended by Laws of Utah 2019,  
179 Chapter 61)  
180           **63A-16-212**, (Renumbered from 63F-1-603, as repealed and reenacted by Laws of Utah

181 2017, Chapter 238)  
182           **63A-16-213**, (Renumbered from 63F-1-604, as last amended by Laws of Utah 2017,  
183 Chapter 238)  
184           **63A-16-301**, (Renumbered from 63F-1-301, as last amended by Laws of Utah 2009,  
185 Chapter 183)  
186           **63A-16-302**, (Renumbered from 63F-1-303, as last amended by Laws of Utah 2020,  
187 Chapter 365)  
188           **63A-16-401**, (Renumbered from 63F-1-402, as enacted by Laws of Utah 2005, Chapter  
189 169)  
190           **63A-16-402**, (Renumbered from 63F-1-403, as repealed and reenacted by Laws of Utah  
191 2017, Chapter 238)  
192           **63A-16-403**, (Renumbered from 63F-1-404, as last amended by Laws of Utah 2017,  
193 Chapter 238)  
194           **63A-16-501**, (Renumbered from 63F-1-502, as last amended by Laws of Utah 2017,  
195 Chapter 238)  
196           **63A-16-502**, (Renumbered from 63F-1-503, as repealed and reenacted by Laws of Utah  
197 2017, Chapter 238)  
198           **63A-16-503**, (Renumbered from 63F-1-504, as last amended by Laws of Utah 2017,  
199 Chapter 238)  
200           **63A-16-504**, (Renumbered from 63F-1-505, as enacted by Laws of Utah 2005, Chapter  
201 169)  
202           **63A-16-505**, (Renumbered from 63F-1-506, as last amended by Laws of Utah 2009,  
203 Chapter 350)  
204           **63A-16-506**, (Renumbered from 63F-1-507, as last amended by Laws of Utah 2019,  
205 Chapter 35)  
206           **63A-16-507**, (Renumbered from 63F-1-508, as last amended by Laws of Utah 2013,  
207 Chapter 310)  
208           **63A-16-508**, (Renumbered from 63F-1-509, as last amended by Laws of Utah 2020,  
209 Chapter 154)  
210           **63A-16-509**, (Renumbered from 63F-1-510, as last amended by Laws of Utah 2016,  
211 Chapter 171)

- 212            **63A-16-601**, (Renumbered from 63F-1-701, as last amended by Laws of Utah 2020,  
213 Chapter 154)
- 214            **63A-16-602**, (Renumbered from 63F-1-702, as enacted by Laws of Utah 2007, Chapter  
215 249)
- 216            **63A-16-701**, (Renumbered from 63F-2-102, as last amended by Laws of Utah 2020,  
217 Chapters 354 and 365)
- 218            **63A-16-702**, (Renumbered from 63F-2-103, as last amended by Laws of Utah 2016,  
219 Chapter 13)
- 220            **63A-16-801**, (Renumbered from 63F-3-102, as last amended by Laws of Utah 2019,  
221 Chapter 174)
- 222            **63A-16-802**, (Renumbered from 63F-3-103, as last amended by Laws of Utah 2020,  
223 Chapter 270)
- 224            **63A-16-803**, (Renumbered from 63F-3-103.5, as last amended by Laws of Utah 2020,  
225 Chapter 270)
- 226            **63A-16-804**, (Renumbered from 63F-3-104, as last amended by Laws of Utah 2019,  
227 Chapter 174)
- 228            **63A-16-901**, (Renumbered from 63F-4-102, as enacted by Laws of Utah 2018, Chapter  
229 144)
- 230            **63A-16-902**, (Renumbered from 63F-4-201, as last amended by Laws of Utah 2019,  
231 Chapter 246)
- 232            **63A-16-903**, (Renumbered from 63F-4-202, as last amended by Laws of Utah 2019,  
233 Chapter 246)
- 234            **63A-17-101**, (Renumbered from 67-19-1, as enacted by Laws of Utah 1979, Chapter  
235 139)
- 236            **63A-17-102**, (Renumbered from 67-19-3, as last amended by Laws of Utah 2017,  
237 Chapter 463)
- 238            **63A-17-103**, (Renumbered from 67-19-3.1, as last amended by Laws of Utah 2010,  
239 Chapter 249)
- 240            **63A-17-104**, (Renumbered from 67-19-4, as last amended by Laws of Utah 2003,  
241 Chapter 65)
- 242            **63A-17-105**, (Renumbered from 67-19-5, as last amended by Laws of Utah 2009,

243 Chapter 183)  
244 **63A-17-106**, (Renumbered from 67-19-6, as last amended by Laws of Utah 2018,  
245 Chapters 154 and 200)  
246 **63A-17-108**, (Renumbered from 67-19-26, as last amended by Laws of Utah 2005,  
247 Chapter 181)  
248 **63A-17-201**, (Renumbered from 67-19-6.1, as last amended by Laws of Utah 2010,  
249 Chapter 249)  
250 **63A-17-202**, (Renumbered from 67-19-11, as last amended by Laws of Utah 2016,  
251 Chapters 228, 287 and last amended by Coordination Clause, Laws of Utah 2016,  
252 Chapter 287)  
253 **63A-17-301**, (Renumbered from 67-19-15, as last amended by Laws of Utah 2020,  
254 Chapter 360)  
255 **63A-17-302**, (Renumbered from 67-19-15.1, as last amended by Laws of Utah 2006,  
256 Chapter 139)  
257 **63A-17-303**, (Renumbered from 67-19-15.6, as last amended by Laws of Utah 2020,  
258 Chapter 109)  
259 **63A-17-304**, (Renumbered from 67-19-15.7, as last amended by Laws of Utah 2017,  
260 Chapter 463)  
261 **63A-17-305**, (Renumbered from 67-19-16, as last amended by Laws of Utah 2010,  
262 Chapters 103 and 249)  
263 **63A-17-306**, (Renumbered from 67-19-18, as last amended by Laws of Utah 2010,  
264 Chapter 249)  
265 **63A-17-307**, (Renumbered from 67-19-12, as last amended by Laws of Utah 2017,  
266 Chapter 463)  
267 **63A-17-401**, (Renumbered from 67-19-13, as last amended by Laws of Utah 2006,  
268 Chapter 139)  
269 **63A-17-402**, (Renumbered from 67-19-13.5, as last amended by Laws of Utah 2016,  
270 Chapter 348)  
271 **63A-17-403**, (Renumbered from 67-19-42, as enacted by Laws of Utah 2004, Chapter  
272 130)  
273 **63A-17-502**, (Renumbered from 67-19-6.7, as last amended by Laws of Utah 2018,

274 Chapter 39)  
275 **63A-17-503**, (Renumbered from 67-19-12.7, as last amended by Laws of Utah 2006,  
276 Chapter 139)  
277 **63A-17-504**, (Renumbered from 67-19-12.9, as last amended by Laws of Utah 2006,  
278 Chapter 139)  
279 **63A-17-505**, (Renumbered from 67-19-14, as last amended by Laws of Utah 2013,  
280 Chapter 109)  
281 **63A-17-506**, (Renumbered from 67-19-14.1, as last amended by Laws of Utah 2015,  
282 Chapter 155)  
283 **63A-17-507**, (Renumbered from 67-19-14.2, as last amended by Laws of Utah 2013,  
284 Chapter 277)  
285 **63A-17-508**, (Renumbered from 67-19-14.4, as last amended by Laws of Utah 2016,  
286 Chapter 227)  
287 **63A-17-509**, (Renumbered from 67-19-14.5, as last amended by Laws of Utah 2017,  
288 Chapter 254)  
289 **63A-17-510**, (Renumbered from 67-19-14.6, as last amended by Laws of Utah 2015,  
290 Chapter 368)  
291 **63A-17-511 (Effective 07/01/21)**, (Renumbered from 67-19-14.7 (Effective 07/01/21),  
292 as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 20)  
293 **63A-17-512**, (Renumbered from 67-19-27, as last amended by Laws of Utah 2012,  
294 Chapter 159)  
295 **63A-17-601**, (Renumbered from 67-19-30, as last amended by Laws of Utah 2010,  
296 Chapter 249)  
297 **63A-17-602**, (Renumbered from 67-19-31, as last amended by Laws of Utah 2008,  
298 Chapter 382)  
299 **63A-17-603**, (Renumbered from 67-19-32, as last amended by Laws of Utah 1997,  
300 Chapter 375)  
301 **63A-17-701**, (Renumbered from 67-19e-102, as last amended by Laws of Utah 2016,  
302 Chapter 237)  
303 **63A-17-702**, (Renumbered from 67-19e-103, as last amended by Laws of Utah 2016,  
304 Chapter 237)

- 305           **63A-17-703**, (Renumbered from 67-19e-104, as last amended by Laws of Utah,  
306 Chapter 237)
- 307           **63A-17-704**, (Renumbered from 67-19e-104.5, as enacted by Laws of Utah 2016,  
308 Chapter 237)
- 309           **63A-17-705**, (Renumbered from 67-19e-105, as enacted by Laws of Utah 2013,  
310 Chapter 165)
- 311           **63A-17-706**, (Renumbered from 67-19e-106, as last amended by Laws of Utah 2016,  
312 Chapter 237)
- 313           **63A-17-707**, (Renumbered from 67-19e-107, as enacted by Laws of Utah 2013,  
314 Chapter 165)
- 315           **63A-17-708**, (Renumbered from 67-19e-108, as last amended by Laws of Utah 2016,  
316 Chapter 237)
- 317           **63A-17-709**, (Renumbered from 67-19e-109, as enacted by Laws of Utah 2013,  
318 Chapter 165)
- 319           **63A-17-710**, (Renumbered from 67-19e-110, as last amended by Laws of Utah 2018,  
320 Chapter 200)
- 321           **63A-17-801**, (Renumbered from 67-19-6.3, as last amended by Laws of Utah 2006,  
322 Chapter 139)
- 323           **63A-17-802**, (Renumbered from 67-19-12.2, as last amended by Laws of Utah 2010,  
324 Chapter 249)
- 325           **63A-17-803**, (Renumbered from 67-19-12.5, as last amended by Laws of Utah 2008,  
326 Chapter 382)
- 327           **63A-17-804**, (Renumbered from 67-19-14.3, as last amended by Laws of Utah 2005,  
328 Chapters 15 and 114)
- 329           **63A-17-805**, (Renumbered from 67-19-43, as last amended by Laws of Utah 2016,  
330 Chapter 310)
- 331           **63A-17-806**, (Renumbered from 67-19-45, as enacted by Laws of Utah 2020, Chapter  
332 197)
- 333           **63A-17-807**, (Renumbered from 67-19c-101, as last amended by Laws of Utah 2020,  
334 Chapter 365)
- 335           **63A-17-901**, (Renumbered from 67-25-102, as last amended by Laws of Utah 2013,

- 336 Chapter 425)
- 337           **63A-17-902**, (Renumbered from 67-25-201, as last amended by Laws of Utah 2013,
- 338 Chapter 433)
- 339           **63A-17-903**, (Renumbered from 67-25-302, as enacted by Laws of Utah 2013, Chapter
- 340 425)
- 341           **63A-17-904**, (Renumbered from 67-19-19, as last amended by Laws of Utah 2006,
- 342 Chapter 139)
- 343           **63A-17-1001**, (Renumbered from 67-19-33, as last amended by Laws of Utah 2018,
- 344 Third Special Session, Chapter 1)
- 345           **63A-17-1002**, (Renumbered from 67-19-34, as last amended by Laws of Utah 2008,
- 346 Chapter 382)
- 347           **63A-17-1003**, (Renumbered from 67-19-35, as enacted by Laws of Utah 1990, Chapter
- 348 280)
- 349           **63A-17-1004**, (Renumbered from 67-19-36, as last amended by Laws of Utah 2006,
- 350 Chapter 139)
- 351           **63A-17-1005**, (Renumbered from 67-19-37, as last amended by Laws of Utah 2006,
- 352 Chapter 139)
- 353           **63A-17-1006**, (Renumbered from 67-19-38, as last amended by Laws of Utah 2006,
- 354 Chapter 139)
- 355           **63A-17-1007**, (Renumbered from 67-19-39, as last amended by Laws of Utah 2002,
- 356 Chapter 185)
- 357 REPEALS:
- 358           **63F-1-105**, as last amended by Laws of Utah 2020, Chapter 352
- 359           **63F-1-302**, as last amended by Laws of Utah 2016, Chapter 287
- 360           **63F-1-401**, as repealed and reenacted by Laws of Utah 2017, Chapter 238
- 361           **63F-1-501**, as repealed and reenacted by Laws of Utah 2017, Chapter 238
- 362           **63F-1-601**, as repealed and reenacted by Laws of Utah 2017, Chapter 238
- 363           **63F-2-101**, as enacted by Laws of Utah 2015, Chapter 371
- 364           **63F-3-101**, as last amended by Laws of Utah 2019, Chapter 174
- 365           **63F-4-101**, as enacted by Laws of Utah 2018, Chapter 144
- 366           **67-19-29**, as enacted by Laws of Utah 1979, Chapter 139

- 367 **67-19d-101**, as enacted by Laws of Utah 2007, Chapter 99
- 368 **67-19e-101**, as enacted by Laws of Utah 2013, Chapter 165
- 369 **67-19f-101**, as last amended by Laws of Utah 2015, Chapter 368
- 370 **67-25-101**, as enacted by Laws of Utah 2011, Chapter 442
- 371 **67-25-301**, as enacted by Laws of Utah 2013, Chapter 425
- 372 **67-26-101**, as enacted by Laws of Utah 2020, Chapter 155

**Utah Code Sections Affected by Coordination Clause:**

- 374 **63A-12-201**, Utah Code Annotated 1953
- 375 **63A-12-202**, Utah Code Annotated 1953
- 376 **63A-16-601**, Utah Code Annotated 1953
- 377 **63A-16-602**, Utah Code Annotated 1953
- 378 **63F-1-701**, as last amended by Laws of Utah 2020, Chapter 154
- 379 **63F-1-702**, as enacted by Laws of Utah 2007, Chapter 249

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **4-41a-107** is amended to read:

**4-41a-107. Notice to prospective and current public employees.**

(1) (a) A state employer or a political subdivision employer shall take the action described in Subsection (1)(b) before:

(i) giving to a current employee an assignment or duty that arises from or directly relates to an obligation under this chapter; or

(ii) hiring a prospective employee whose assignments or duties would include an assignment or duty that arises from or directly relates to an obligation under this chapter.

(b) The employer described in Subsection (1)(a) shall give the employee or prospective employee described in Subsection (1)(a) a written notice that notifies the employee or prospective employee:

(i) that the employee's or prospective employee's job duties may require the employee or prospective employee to engage in conduct which is in violation of the criminal laws of the United States; and

(ii) that in accepting a job or undertaking a duty described in Subsection (1)(a), although the employee or prospective employee is entitled to the protections of Title 67,

398 Chapter 21, Utah Protection of Public Employees Act, the employee may not object or refuse to  
399 carry out an assignment or duty that may be a violation of the criminal laws of the United  
400 States with respect to the manufacture, sale, or distribution of cannabis.

401 (2) The [~~Department~~] Division of Human Resource Management shall create, revise,  
402 and publish the form of the notice described in Subsection (1).

403 (3) Notwithstanding Subsection 67-21-3(3), an employee who has signed the notice  
404 described in Subsection (1) may not:

405 (a) claim in good faith that the employee's actions violate or potentially violate the laws  
406 of the United States with respect to the manufacture, sale, or distribution of cannabis; or

407 (b) refuse to carry out a directive that the employee reasonably believes violates the  
408 criminal laws of the United States with respect to the manufacture, sale, or distribution of  
409 cannabis.

410 (4) An employer of an employee who has signed the notice described in Subsection (1)  
411 may not take retaliatory action as defined in Section 67-19a-101 against a current employee  
412 who refuses to sign the notice described in Subsection (1).

413 Section 2. Section 10-2-703 is amended to read:

414 **10-2-703. Publication of notice of election.**

415 (1) Immediately after setting the date for the election, the court shall order for  
416 publication notice of the:

417 (a) petition; and

418 (b) date the election is to be held to determine the question of dissolution.

419 (2) The notice described in Subsection (1) shall be published:

420 (a) (i) for at least once a week for a period of four weeks before the election in a  
421 newspaper of general circulation in the municipality;

422 (ii) if there is no newspaper of general circulation in the municipality, at least four  
423 weeks before the day of the election, by posting one notice, and at least one additional notice  
424 per 2,000 population of the municipality, in places within the municipality that are most likely  
425 to give notice to the voters in the municipality; or

426 (iii) at least one month before the day of the election, by mailing notice to each  
427 registered voter in the municipality;

428 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] 63A-16-601, for

429 four weeks before the day of the election;

430 (c) in accordance with Section [45-1-101](#), for four weeks before the day of the election;

431 and

432 (d) if the municipality has a website, on the municipality's website for four weeks

433 before the day of the election.

434 Section 3. Section **11-36a-501** is amended to read:

435 **11-36a-501. Notice of intent to prepare an impact fee facilities plan.**

436 (1) Before preparing or amending an impact fee facilities plan, a local political  
437 subdivision or private entity shall provide written notice of its intent to prepare or amend an  
438 impact fee facilities plan.

439 (2) A notice required under Subsection (1) shall:

440 (a) indicate that the local political subdivision or private entity intends to prepare or  
441 amend an impact fee facilities plan;

442 (b) describe or provide a map of the geographic area where the proposed impact fee  
443 facilities will be located; and

444 (c) subject to Subsection (3), be posted on the Utah Public Notice Website created  
445 under Section [~~63F-1-701~~] [63A-16-601](#).

446 (3) For a private entity required to post notice on the Utah Public Notice Website under  
447 Subsection (2)(c):

448 (a) the private entity shall give notice to the general purpose local government in which  
449 the private entity's private business office is located; and

450 (b) the general purpose local government described in Subsection (3)(a) shall post the  
451 notice on the Utah Public Notice Website.

452 Section 4. Section **11-38-102** is amended to read:

453 **11-38-102. Definitions.**

454 As used in this chapter:

455 (1) "Affordable housing" means housing occupied or reserved for occupancy by  
456 households with a gross household income equal to or less than 80% of the median gross  
457 income of the applicable municipal or county statistical area for households of the same size.

458 (2) "Agricultural land" has the same meaning as "land in agricultural use" under  
459 Section [59-2-502](#).

460 (3) "Brownfield sites" means abandoned, idled, or underused commercial or industrial  
461 land where expansion or redevelopment is complicated by real or perceived environmental  
462 contamination.

463 (4) "Commission" means the Quality Growth Commission established in Section  
464 11-38-201.

465 (5) "Infill development" means residential, commercial, or industrial development on  
466 unused or underused land, excluding open land and agricultural land, within existing, otherwise  
467 developed urban areas.

468 (6) "Local entity" means a county, city, or town.

469 (7) (a) "Open land" means land that is:

470 (i) preserved in or restored to a predominantly natural, open, and undeveloped  
471 condition; and

472 (ii) used for:

473 (A) wildlife habitat;

474 (B) cultural or recreational use;

475 (C) watershed protection; or

476 (D) another use consistent with the preservation of the land in or restoration of the land  
477 to a predominantly natural, open, and undeveloped condition.

478 (b) (i) "Open land" does not include land whose predominant use is as a developed  
479 facility for active recreational activities, including baseball, tennis, soccer, golf, or other  
480 sporting or similar activity.

481 (ii) The condition of land does not change from a natural, open, and undeveloped  
482 condition because of the development or presence on the land of facilities, including trails,  
483 waterways, and grassy areas, that:

484 (A) enhance the natural, scenic, or aesthetic qualities of the land; or

485 (B) facilitate the public's access to or use of the land for the enjoyment of its natural,  
486 scenic, or aesthetic qualities and for compatible recreational activities.

487 (8) "Program" means the LeRay McAllister Critical Land Conservation Program  
488 established in Section 11-38-301.

489 (9) "Surplus land" means real property owned by the Department of [Administrative  
490 Services] Government Operations, the Department of Agriculture and Food, the Department of

491 Natural Resources, or the Department of Transportation that the individual department  
492 determines not to be necessary for carrying out the mission of the department.

493 Section 5. Section **13-1a-3** is amended to read:

494 **13-1a-3. Employment and compensation of personnel -- Compensation of**  
495 **director.**

496 The director, with the approval of the executive director, may employ personnel  
497 necessary to carry out the duties and responsibilities of the division at salaries established by  
498 the executive director according to standards established by the [~~Department~~] Division of  
499 Human Resource Management. The executive director shall establish the salary of the director  
500 according to standards established by the [~~Department~~] Division of Human Resource  
501 Management.

502 Section 6. Section **13-2-3** is amended to read:

503 **13-2-3. Employment of personnel -- Compensation of director.**

504 (1) The director, with the approval of the executive director, may employ personnel  
505 necessary to carry out the duties and responsibilities of the division at salaries established by  
506 the executive director according to standards established by the [~~Department of Administrative~~  
507 ~~Services~~] Division of Human Resource Management.

508 (2) The executive director shall establish the salary of the director according to  
509 standards established by the [~~Department of Administrative Services~~] Division of Human  
510 Resource Management.

511 (3) The director may employ specialists, technical experts, or investigators to  
512 participate or assist in investigations if they reasonably require expertise beyond that normally  
513 required for division personnel.

514 (4) An investigator employed pursuant to Subsection (3) may be designated a special  
515 function officer, as defined in Section [53-13-105](#), by the director, but is not eligible for  
516 retirement benefits under the Public Safety Employee's Retirement System.

517 Section 7. Section **15A-1-203** is amended to read:

518 **15A-1-203. Uniform Building Code Commission -- Unified Code Analysis**  
519 **Council.**

520 (1) There is created a Uniform Building Code Commission to advise the division with  
521 respect to the division's responsibilities in administering the codes.

522 (2) The commission shall consist of 11 members as follows:

523 (a) one member shall be from among candidates nominated by the Utah League of  
524 Cities and Towns and the Utah Association of Counties;

525 (b) one member shall be a licensed building inspector employed by a political  
526 subdivision of the state;

527 (c) one member shall be a licensed professional engineer;

528 (d) one member shall be a licensed architect;

529 (e) one member shall be a fire official;

530 (f) three members shall be contractors licensed by the state, of which one shall be a  
531 general contractor, one an electrical contractor, and one a plumbing contractor;

532 (g) two members shall be from the general public and have no affiliation with the  
533 construction industry or real estate development industry; and

534 (h) one member shall be from the Division of Facilities Construction and Management  
535 of the Department of [~~Administrative Services~~] Government Operations.

536 (3) (a) The executive director shall appoint each commission member after submitting  
537 a nomination to the governor for confirmation or rejection.

538 (b) If the governor rejects a nominee, the executive director shall submit an alternative  
539 nominee until the governor confirms the nomination. An appointment is effective after the  
540 governor confirms the nomination.

541 (4) (a) Except as required by Subsection (4)(b), as terms of commission members  
542 expire, the executive director shall appoint each new commission member or reappointed  
543 commission member to a four-year term.

544 (b) Notwithstanding the requirements of Subsection (4)(a), the executive director shall,  
545 at the time of appointment or reappointment, adjust the length of terms to ensure that the terms  
546 of commission members are staggered so that approximately half of the commission is  
547 appointed every two years.

548 (5) When a vacancy occurs in the commission membership for any reason, the  
549 executive director shall appoint a replacement for the unexpired term.

550 (6) (a) A commission member may not serve more than two full terms.

551 (b) A commission member who ceases to serve may not again serve on the commission  
552 until after the expiration of two years after the day on which service ceased.

553 (7) A majority of the commission members constitute a quorum and may act on behalf  
554 of the commission.

555 (8) A commission member may not receive compensation or benefits for the  
556 commission member's service, but may receive per diem and travel expenses in accordance  
557 with:

558 (a) Section 63A-3-106;

559 (b) Section 63A-3-107; and

560 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
561 63A-3-107.

562 (9) (a) The commission shall annually designate one of the commission's members to  
563 serve as chair of the commission.

564 (b) The division shall provide a secretary to facilitate the function of the commission  
565 and to record the commission's actions and recommendations.

566 (10) The commission shall:

567 (a) in accordance with Section 15A-1-204, report to the Business and Labor Interim  
568 Committee;

569 (b) act as an appeals board as provided in Section 15A-1-207;

570 (c) establish advisory peer committees on either a standing or ad hoc basis to advise the  
571 commission with respect to matters related to a code, including a committee to advise the  
572 commission regarding health matters related to a plumbing code; and

573 (d) assist the division in overseeing code-related training in accordance with Section  
574 15A-1-209.

575 (11) (a) In a manner consistent with Subsection (10)(c), the commission shall jointly  
576 create with the Utah Fire Prevention Board an advisory peer committee known as the "Unified  
577 Code Analysis Council" to review fire prevention and construction code issues that require  
578 definitive and specific analysis.

579 (b) The commission and Utah Fire Prevention Board shall jointly, by rule made in  
580 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, provide for:

581 (i) the appointment of members to the Unified Code Analysis Council; and

582 (ii) procedures followed by the Unified Code Analysis Council.

583 Section 8. Section 20A-20-201 is amended to read:

584           **20A-20-201. Utah Independent Redistricting Commission -- Creation --**  
585 **Membership -- Term -- Quorum -- Action -- Meetings -- Staffing -- Website.**

586           (1) (a) There is created the Utah Independent Redistricting Commission.

587           (b) The commission is housed in the Department of [~~Administrative Services~~]  
588 Government Operations for budgetary purposes only.

589           (c) The commission is not under the direction or control of the Department of  
590 [~~Administrative Services~~] Government Operations or any executive director, director, or other  
591 employee of the Department of [~~Administrative Services~~] Government Operations or any other  
592 government entity.

593           (2) Except as provided in Subsection (4), the commission comprises seven members  
594 appointed as follows:

595           (a) one member appointed by the governor, which member shall serve as chair of the  
596 commission;

597           (b) one member appointed by the president of the Senate;

598           (c) one member appointed by the speaker of the House of Representatives;

599           (d) one member appointed by the legislative leader of the largest minority political  
600 party in the Senate;

601           (e) one member appointed by the legislative leader of the largest minority political  
602 party in the House of Representatives;

603           (f) one member appointed jointly by the president of the Senate and the speaker of the  
604 House of Representatives; and

605           (g) one member appointed jointly by the legislative leader of the largest minority  
606 political party in the Senate and the legislative leader of the largest minority political party in  
607 the House of Representatives.

608           (3) An appointing authority described in Subsection (2):

609           (a) shall make the appointments no later than:

610           (i) February 1 of the year immediately following a decennial year; or

611           (ii) if there is a change in the number of congressional, legislative, or other districts  
612 resulting from an event other than a national decennial enumeration made by the authority of  
613 the United States, the day on which the Legislature appoints a committee to draw maps in  
614 relation to the change;

615 (b) may remove a commission member appointed by the appointing authority, for  
616 cause; and

617 (c) shall, if a vacancy occurs in the position appointed by the appointing authority  
618 under Subsection (2), appoint another individual to fill the vacancy within 10 days after the day  
619 on which the vacancy occurs.

620 (4) (a) If the appointing authority described in Subsection (2)(a) fails to timely make  
621 the appointment, the legislative leader of the largest political party in the House of  
622 Representatives and the Senate, of which the governor is not a member, shall jointly make the  
623 appointment.

624 (b) If the appointing authority described in Subsection (2)(b) fails to timely make the  
625 appointment, the appointing authority described in Subsection (2)(d) shall make the  
626 appointment.

627 (c) If the appointing authority described in Subsection (2)(c) fails to timely make the  
628 appointment, the appointing authority described in Subsection (2)(e) shall make the  
629 appointment.

630 (d) If the appointing authority described in Subsection (2)(d) fails to timely make the  
631 appointment, the appointing authority described in Subsection (2)(b) shall make the  
632 appointment.

633 (e) If the appointing authority described in Subsection (2)(e) fails to timely make the  
634 appointment, the appointing authority described in Subsection (2)(c) shall make the  
635 appointment.

636 (f) If the appointing authority described in Subsection (2)(f) fails to timely make the  
637 appointment, the appointing authority described in Subsection (2)(g) shall make the  
638 appointment.

639 (g) If the appointing authority described in Subsection (2)(g) fails to timely make the  
640 appointment, the appointing authority described in Subsection (2)(f) shall make the  
641 appointment.

642 (5) A member of the commission may not, during the member's service on the  
643 commission:

644 (a) be a lobbyist or principal, as those terms are defined in Section [36-11-102](#);

645 (b) be a candidate for or holder of any elective office, including federal elective office,

646 state elective office, or local government elective office;

647 (c) be a candidate for or holder of any office of a political party, except for delegates to  
648 a political party's convention;

649 (d) be an employee of, or a paid consultant for, a political party, political party  
650 committee, personal campaign committee, or any political action committee affiliated with a  
651 political party or controlled by an elected official or candidate for elective office, including any  
652 local government office;

653 (e) serve in public office if the member is appointed to public office by the governor or  
654 the Legislature;

655 (f) be employed by the United States Congress or the Legislature; or

656 (g) hold any position that reports directly to an elected official, including a local  
657 elected official, or to any person appointed by the governor or Legislature to any other public  
658 office.

659 (6) In addition to the qualifications described in Subsection (5), a member of the  
660 commission described in Subsection (2)(f) or (g):

661 (a) may not have, during the two-year period immediately preceding the member's  
662 appointment to the commission:

663 (i) been affiliated with a political party under Section [20A-2-107](#);

664 (ii) voted in the regular primary election or municipal primary election of a political  
665 party; or

666 (iii) been a delegate to a political party convention; and

667 (b) may not, in the sole determination of the appointing authority, be an individual who  
668 is affiliated with a partisan organization or cause.

669 (7) Each commission member shall, upon appointment to the commission, sign and file  
670 a statement with the governor certifying that the commission member:

671 (a) meets the qualifications for appointment to the commission;

672 (b) will, during the member's service on the commission, comply with the requirements  
673 described in Subsection (5);

674 (c) will comply with the standards, procedures, and requirements described in this  
675 chapter that are applicable to a commission member; and

676 (d) will faithfully discharge the duties of a commission member in an independent,

677 impartial, honest, and transparent manner.

678 (8) For a regular decennial redistricting, the commission is:

679 (a) formed and may begin conducting business on February 1 of the year immediately  
680 following a decennial year; and

681 (b) dissolved upon approval of the Legislature's redistricting maps by the governor, or  
682 the day following the constitutional time limit of Utah Constitution, Article VII, Section 8,  
683 without the governor's signature, or in the case of a veto, the date of veto override.

684 (9) (a) A member of the commission may not receive compensation or benefits for the  
685 member's service, but may receive per diem and travel expenses in accordance with:

686 (i) Section 63A-3-106;

687 (ii) Section 63A-3-107; and

688 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
689 63A-3-107.

690 (b) A member of the commission may decline to receive per diem or travel expenses.

691 (10) The commission shall meet upon the request of a majority of the commission  
692 members or when the chair calls a meeting.

693 (11) (a) A majority of the members of the commission constitutes a quorum.

694 (b) The commission takes official action by a majority vote of a quorum present at a  
695 meeting of the commission.

696 (12) Within appropriations from the Legislature, the commission may, to fulfill the  
697 duties of the commission:

698 (a) contract with or employ an attorney licensed in Utah, an executive director, and  
699 other staff; and

700 (b) purchase equipment and other resources, in accordance with Title 63G, Chapter 6a,  
701 Utah Procurement Code, to fulfill the duties of the commission.

702 (13) The commission shall maintain a website where the public may:

703 (a) access announcements and records of commission meetings and hearings;

704 (b) access maps presented to, or under consideration by, the commission;

705 (c) access evaluations described in Subsection 20A-20-302(8);

706 (d) submit a map to the commission; and

707 (e) submit comments on a map presented to, or under consideration by, the

708 commission.

709 Section 9. Section **26-61a-103** is amended to read:

710 **26-61a-103. Electronic verification system.**

711 (1) The Department of Agriculture and Food, the department, the Department of Public  
712 Safety, and the [~~Department~~] Division of Technology Services shall:

713 (a) enter into a memorandum of understanding in order to determine the function and  
714 operation of the state electronic verification system in accordance with Subsection (2);

715 (b) coordinate with the Division of Purchasing, under Title 63G, Chapter 6a, Utah  
716 Procurement Code, to develop a request for proposals for a third-party provider to develop and  
717 maintain the state electronic verification system in coordination with the [~~Department~~]  
718 Division of Technology Services; and

719 (c) select a third-party provider who:

720 (i) meets the requirements contained in the request for proposals issued under  
721 Subsection (1)(b); and

722 (ii) may not have any commercial or ownership interest in a cannabis production  
723 establishment or a medical cannabis pharmacy.

724 (2) The Department of Agriculture and Food, the department, the Department of Public  
725 Safety, and the [~~Department~~] Division of Technology Services shall ensure that, on or before  
726 March 1, 2020, the state electronic verification system described in Subsection (1):

727 (a) allows an individual to apply for a medical cannabis patient card or, if applicable, a  
728 medical cannabis guardian card, provided that the card may not become active until the  
729 relevant qualified medical provider completes the associated medical cannabis  
730 recommendation;

731 (b) allows an individual to apply to renew a medical cannabis patient card or a medical  
732 cannabis guardian card in accordance with Section **26-61a-201**;

733 (c) allows a qualified medical provider, or an employee described in Subsection (3)  
734 acting on behalf of the qualified medical provider, to:

735 (i) access dispensing and card status information regarding a patient:

736 (A) with whom the qualified medical provider has a provider-patient relationship; and

737 (B) for whom the qualified medical provider has recommended or is considering  
738 recommending a medical cannabis card;

739 (ii) electronically recommend, after an initial face-to-face visit with a patient described  
740 in Subsection 26-61a-201(4)(b), treatment with cannabis in a medicinal dosage form or a  
741 cannabis product in a medicinal dosage form and optionally recommend dosing guidelines;

742 (iii) electronically renew a recommendation to a medical cannabis patient cardholder or  
743 medical cannabis guardian cardholder:

744 (A) using telehealth services, for the qualified medical provider who originally  
745 recommended a medical cannabis treatment during a face-to-face visit with the patient; or

746 (B) during a face-to-face visit with the patient, for a qualified medical provider who  
747 did not originally recommend the medical cannabis treatment during a face-to-face visit; and

748 (iv) notate a determination of physical difficulty or undue hardship, described in  
749 Subsection 26-61a-202(1), to qualify a patient to designate a caregiver;

750 (d) connects with:

751 (i) an inventory control system that a medical cannabis pharmacy uses to track in real  
752 time and archive purchases of any cannabis in a medicinal dosage form, cannabis product in a  
753 medicinal dosage form, or a medical cannabis device, including:

754 (A) the time and date of each purchase;

755 (B) the quantity and type of cannabis, cannabis product, or medical cannabis device  
756 purchased;

757 (C) any cannabis production establishment, any medical cannabis pharmacy, or any  
758 medical cannabis courier associated with the cannabis, cannabis product, or medical cannabis  
759 device; and

760 (D) the personally identifiable information of the medical cannabis cardholder who  
761 made the purchase; and

762 (ii) any commercially available inventory control system that a cannabis production  
763 establishment utilizes in accordance with Section 4-41a-103 to use data that the Department of  
764 Agriculture and Food requires by rule, in accordance with Title 63G, Chapter 3, Utah  
765 Administrative Rulemaking Act, from the inventory tracking system that a licensee uses to  
766 track and confirm compliance;

767 (e) provides access to:

768 (i) the department to the extent necessary to carry out the department's functions and  
769 responsibilities under this chapter;

770 (ii) the Department of Agriculture and Food to the extent necessary to carry out the  
771 functions and responsibilities of the Department of Agriculture and Food under Title 4, Chapter  
772 41a, Cannabis Production Establishments; and

773 (iii) the Division of Occupational and Professional Licensing to the extent necessary to  
774 carry out the functions and responsibilities related to the participation of the following in the  
775 recommendation and dispensing of medical cannabis:

776 (A) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

777 (B) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse  
778 Practice Act;

779 (C) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or  
780 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

781 (D) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician  
782 Assistant Act;

783 (f) provides access to and interaction with the state central patient portal;

784 (g) provides access to state or local law enforcement:

785 (i) during a law enforcement encounter, without a warrant, using the individual's driver  
786 license or state ID, only for the purpose of determining if the individual subject to the law  
787 enforcement encounter has a valid medical cannabis card; or

788 (ii) after obtaining a warrant; and

789 (h) creates a record each time a person accesses the database that identifies the person  
790 who accesses the database and the individual whose records the person accesses.

791 (3) (a) Beginning on the earlier of January 1, 2021, or the date on which the electronic  
792 verification system is functionally capable of allowing employee access under this Subsection  
793 (3), an employee of a qualified medical provider may access the electronic verification system  
794 for a purpose described in Subsection (2)(c) on behalf of the qualified medical provider if:

795 (i) the qualified medical provider has designated the employee as an individual  
796 authorized to access the electronic verification system on behalf of the qualified medical  
797 provider;

798 (ii) the qualified medical provider provides written notice to the department of the  
799 employee's identity and the designation described in Subsection (3)(a)(i); and

800 (iii) the department grants to the employee access to the electronic verification system.

801 (b) An employee of a business that employs a qualified medical provider may access  
802 the electronic verification system for a purpose described in Subsection (2)(c) on behalf of the  
803 qualified medical provider if:

804 (i) the qualified medical provider has designated the employee as an individual  
805 authorized to access the electronic verification system on behalf of the qualified medical  
806 provider;

807 (ii) the qualified medical provider and the employing business jointly provide written  
808 notice to the department of the employee's identity and the designation described in Subsection  
809 (3)(b)(i); and

810 (iii) the department grants to the employee access to the electronic verification system.

811 (4) (a) As used in this Subsection (4), "prescribing provider" means:

812 (i) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse  
813 Practice Act;

814 (ii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title  
815 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

816 (iii) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician  
817 Assistant Act.

818 (b) Beginning on the earlier of January 1, 2021, or the date on which the electronic  
819 verification system is functionally capable of allowing provider access under this Subsection  
820 (4), a prescribing provider may access information in the electronic verification system  
821 regarding a patient the prescribing provider treats.

822 (5) The department may release limited data that the system collects for the purpose of:

823 (a) conducting medical and other department approved research;

824 (b) providing the report required by Section [26-61a-703](#); and

825 (c) other official department purposes.

826 (6) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah  
827 Administrative Rulemaking Act, to establish:

828 (a) the limitations on access to the data in the state electronic verification system as  
829 described in this section; and

830 (b) standards and procedures to ensure accurate identification of an individual  
831 requesting information or receiving information in this section.

832 (7) (a) Any person who knowingly and intentionally releases any information in the  
833 state electronic verification system in violation of this section is guilty of a third degree felony.

834 (b) Any person who negligently or recklessly releases any information in the state  
835 electronic verification system in violation of this section is guilty of a class C misdemeanor.

836 (8) (a) Any person who obtains or attempts to obtain information from the state  
837 electronic verification system by misrepresentation or fraud is guilty of a third degree felony.

838 (b) Any person who obtains or attempts to obtain information from the state electronic  
839 verification system for a purpose other than a purpose this chapter authorizes is guilty of a third  
840 degree felony.

841 (9) (a) Except as provided in Subsection (9)(e), a person may not knowingly and  
842 intentionally use, release, publish, or otherwise make available to any other person information  
843 obtained from the state electronic verification system for any purpose other than a purpose  
844 specified in this section.

845 (b) Each separate violation of this Subsection (9) is:

846 (i) a third degree felony; and

847 (ii) subject to a civil penalty not to exceed \$5,000.

848 (c) The department shall determine a civil violation of this Subsection (9) in  
849 accordance with Title 63G, Chapter 4, Administrative Procedures Act.

850 (d) Civil penalties assessed under this Subsection (9) shall be deposited into the  
851 General Fund.

852 (e) This Subsection (9) does not prohibit a person who obtains information from the  
853 state electronic verification system under Subsection (2)(a), (c), or (f) from:

854 (i) including the information in the person's medical chart or file for access by a person  
855 authorized to review the medical chart or file;

856 (ii) providing the information to a person in accordance with the requirements of the  
857 Health Insurance Portability and Accountability Act of 1996; or

858 (iii) discussing or sharing that information about the patient with the patient.

859 Section 10. Section **26-61a-111** is amended to read:

860 **26-61a-111. Nondiscrimination for medical care or government employment --**  
861 **Notice to prospective and current public employees -- No effect on private employers.**

862 (1) For purposes of medical care, including an organ or tissue transplant, a patient's

863 use, in accordance with this chapter, of cannabis in a medicinal dosage form or a cannabis  
864 product in a medicinal dosage form:

865 (a) is considered the equivalent of the authorized use of any other medication used at  
866 the discretion of a physician; and

867 (b) does not constitute the use of an illicit substance or otherwise disqualify an  
868 individual from needed medical care.

869 (2) (a) Notwithstanding any other provision of law and except as provided in  
870 Subsection (2)(b), the state or any political subdivision shall treat an employee's use of medical  
871 cannabis in accordance with this chapter or Section 58-37-3.7 in the same way the state or  
872 political subdivision treats employee use of any prescribed controlled substance.

873 (b) A state or political subdivision employee who has a valid medical cannabis card is  
874 not subject to adverse action, as that term is defined in Section 67-21-2, for failing a drug test  
875 due to marijuana or tetrahydrocannabinol without evidence that the employee was impaired or  
876 otherwise adversely affected in the employee's job performance due to the use of medical  
877 cannabis.

878 (c) Subsections (2)(a) and (b) do not apply where the application of Subsection (2)(a) or  
879 (b) would jeopardize federal funding, a federal security clearance, or any other federal  
880 background determination required for the employee's position, or if the employee's position is  
881 dependent on a license that is subject to federal regulations.

882 (3) (a) (i) A state employer or a political subdivision employer shall take the action  
883 described in Subsection (3)(a)(ii) before:

884 (A) giving to a current employee an assignment or duty that arises from or directly  
885 relates to an obligation under this chapter; or

886 (B) hiring a prospective employee whose assignments or duties would include an  
887 assignment or duty that arises from or directly relates to an obligation under this chapter.

888 (ii) The employer described in Subsection (3)(a)(i) shall give the employee or  
889 prospective employee described in Subsection (3)(a)(i) a written notice that notifies the  
890 employee or prospective employee:

891 (A) that the employee's or prospective employee's job duties may require the employee  
892 or prospective employee to engage in conduct which is in violation of the criminal laws of the  
893 United States; and

894 (B) that in accepting a job or undertaking a duty described in Subsection (3)(a)(i),  
895 although the employee or prospective employee is entitled to the protections of Title 67,  
896 Chapter 21, Utah Protection of Public Employees Act, the employee may not object or refuse to  
897 carry out an assignment or duty that may be a violation of the criminal laws of the United  
898 States with respect to the manufacture, sale, or distribution of cannabis.

899 (b) The [~~Department~~] Division of Human Resource Management shall create, revise,  
900 and publish the form of the notice described in Subsection (3)(a).

901 (c) Notwithstanding Subsection 67-21-3(3), an employee who has signed the notice  
902 described in Subsection (3)(a) may not:

903 (i) claim in good faith that the employee's actions violate or potentially violate the laws  
904 of the United States with respect to the manufacture, sale, or distribution of cannabis; or

905 (ii) refuse to carry out a directive that the employee reasonably believes violates the  
906 criminal laws of the United States with respect to the manufacture, sale, or distribution of  
907 cannabis.

908 (d) An employer may not take retaliatory action as defined in Section 67-19a-101  
909 against a current employee who refuses to sign the notice described in Subsection (3)(a).

910 (4) Nothing in this section requires a private employer to accommodate the use of  
911 medical cannabis or affects the ability of a private employer to have policies restricting the use  
912 of medical cannabis by applicants or employees.

913 Section 11. Section 31A-2-113 is amended to read:

914 **31A-2-113. Supporting services.**

915 (1) The Department of [~~Administrative Services~~] Government Operations shall provide  
916 suitable offices for the Insurance Department:

917 (a) in Salt Lake City; and

918 (b) elsewhere, if approved by the governor as necessary for the efficient operation of  
919 the department.

920 (2) The commissioner shall, in accordance with the rules of the Department of  
921 [~~Administrative Services~~] Government Operations or other applicable laws, procure or obtain  
922 access to all materials, supplies, and equipment necessary for the efficient operation of the  
923 Insurance Department, including reasonable library facilities and books.

924 Section 12. Section 35A-1-205 is amended to read:

925           **35A-1-205. Workforce Appeals Board -- Chair -- Appointment -- Compensation**  
926 **-- Qualifications.**

927           (1) There is created the Workforce Appeals Board within the department consisting of  
928 one or more panels to hear and decide appeals from the decision of an administrative law  
929 judge.

930           (2) (a) A panel shall consist of three impartial members appointed by the governor as  
931 follows:

932           (i) the board chair, appointed in accordance with Subsection (5);

933           (ii) one member appointed to represent employers; and in making this appointment, the  
934 governor shall consider nominations from employer organizations; and

935           (iii) one member appointed to represent employees; and in making this appointment,  
936 the governor shall consider nominations from employee organizations.

937           (b) No more than two members of a panel may belong to the same political party.

938           (3) (a) (i) The term of a member shall be six years beginning on March 1 of the year  
939 the member is appointed, except as otherwise provided in Subsection (3)(a)(ii).

940           (ii) The governor shall, at the time of appointment or reappointment, adjust the length  
941 of terms to ensure that the terms of members are staggered so that approximately one third of  
942 the members are appointed every two years.

943           (b) When a vacancy occurs in the membership for any reason, the replacement shall be  
944 appointed for the unexpired term.

945           (c) The governor may remove a member for inefficiency, neglect of duty, malfeasance  
946 or misfeasance in office, or other good and sufficient cause.

947           (d) A member shall hold office until a successor is appointed and has qualified.

948           (4) (a) Except as provided in Subsection (4)(b), a member may not receive  
949 compensation or benefits for the member's service, but may receive per diem and travel  
950 expenses in accordance with:

951           (i) Section [63A-3-106](#);

952           (ii) Section [63A-3-107](#); and

953           (iii) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
954 [63A-3-107](#).

955           (b) The member appointed as board chair in accordance with Subsection (5) shall be

956 compensated at an hourly rate determined by the [~~Department~~] Division of Human Resource  
957 Management in accordance with Title [~~67, Chapter 19~~] 63A, Chapter 17, Utah State Personnel  
958 Management Act.

959 (5) (a) The chief officer of the board shall be the chair, who shall serve as the executive  
960 and administrative head of the board.

961 (b) The chair shall be appointed by the governor to represent the public and may be  
962 removed from that position at the will of the governor.

963 (c) The chair shall be experienced in administration and possess any additional  
964 qualifications determined by the governor.

965 (6) (a) The chair shall designate an alternate from a panel appointed under this section:

966 (i) in the absence of a regular member or the chair; or

967 (ii) if the regular member or the chair has a conflict of interest.

968 (b) Each case shall be decided by a full three-member panel.

969 (7) The department shall provide the Workforce Appeals Board necessary staff  
970 support, except, the board may employ, retain, or appoint legal counsel.

971 Section 13. Section **35A-13-302** is amended to read:

972 **35A-13-302. Governor's Committee on Employment of People with Disabilities.**

973 (1) There is created the Governor's Committee on Employment of People with  
974 Disabilities, composed of the following 19 members:

975 (a) the director of the office;

976 (b) the state superintendent of public instruction or the superintendent's designee;

977 (c) the commissioner of higher education or the commissioner's designee;

978 (d) the [~~executive~~] director of the [~~Department~~] Division of Human Resource  
979 Management or the [~~executive~~] director's designee;

980 (e) the executive director of the Department of Human Services or the executive  
981 director's designee;

982 (f) the executive director of the Department of Health or the executive director's  
983 designee; and

984 (g) the following 13 members appointed by the governor:

985 (i) a representative of individuals who are blind or visually impaired;

986 (ii) a representative of individuals who are deaf or hard of hearing;

987 (iii) a representative of individuals who have disabilities;

988 (iv) seven representatives of business or industry;

989 (v) a representative experienced in job training and placement;

990 (vi) a representative of veterans; and

991 (vii) a representative experienced in medical, health, or insurance professions.

992 (2) (a) (i) Except as provided in Subsection (2)(a)(ii), the governor shall appoint the  
993 committee members described in Subsection (1)(g) to serve four-year terms.

994 (ii) In making the initial appointments to the committee, the governor shall appoint  
995 approximately one-half of the members to two-year terms and one-half of the members to  
996 four-year terms.

997 (b) Committee members shall serve until their successors are appointed and qualified.

998 (c) The governor shall fill any vacancy that occurs on the committee for any reason by  
999 appointing a person according to the procedures of this section for the unexpired term of the  
1000 vacated member.

1001 (d) The director of the office shall select a chair of the committee from the  
1002 membership.

1003 (e) Ten members of the committee are a quorum for the transaction of business.

1004 (3) (a) The committee shall:

1005 (i) promote employment opportunities for individuals with disabilities;

1006 (ii) serve as the designated state liaison to the President's Committee on Employment  
1007 of People with Disabilities;

1008 (iii) provide training and technical assistance to employers in implementing the  
1009 Americans with Disabilities Act;

1010 (iv) develop and disseminate appropriate information through workshops, meetings,  
1011 and other requests in response to needs to employers and others regarding employment of  
1012 individuals with disabilities;

1013 (v) establish contacts with various community representatives to identify and resolve  
1014 barriers to full participation in employment and community life;

1015 (vi) formally recognize exemplary contributions in the areas of employment, job  
1016 placement, training, rehabilitation, support services, medicine, media or public relations, and  
1017 personal achievements made by individuals with disabilities;

1018 (vii) advise, encourage, and motivate individuals with disabilities who are preparing  
1019 for or seeking employment to reach their full potential as qualified employees;

1020 (viii) advocate for policies and practices that promote full and equal rights for  
1021 individuals with disabilities;

1022 (ix) advise the office, the department, and the governor on issues that affect  
1023 employment and other requests for information on disability issues; and

1024 (x) prepare an annual report on the progress, accomplishments, and future goals of the  
1025 committee and present the report to the department for inclusion in the department's annual  
1026 report described in Section 35A-1-109.

1027 (b) The committee may, by following the procedures and requirements of Title 63J,  
1028 Chapter 5, Federal Funds Procedures Act, receive and accept federal funds, and may receive  
1029 and accept state funds, private gifts, donations, and funds from any source to carry out its  
1030 purposes.

1031 (4) The office shall staff the committee.

1032 Section 14. Section 36-11-307 is amended to read:

1033 **36-11-307. Ethics and unlawful harassment training course for lobbyists --**  
1034 **Internet availability -- Content -- Participation tracking -- Penalty.**

1035 (1) The lieutenant governor shall develop and maintain online training courses  
1036 educating lobbyists about:

1037 (a) federal workplace discrimination and harassment prohibitions and requirements;

1038 (b) the Utah Senate's, Utah House's, and the executive branch's policies governing  
1039 workplace discrimination and harassment prohibitions, policies, and procedures; and

1040 (c) state and federal requirements governing lobbyists, including lobbyist ethical  
1041 requirements.

1042 (2) A training course described in Subsection (1) shall include training materials and  
1043 exercises that are available on the Internet to lobbyists and to the public.

1044 (3) The lieutenant governor shall design the ethics training course to assist lobbyists in  
1045 understanding and complying with current ethical and campaign finance requirements under  
1046 state law, legislative rules, and federal law.

1047 (4) The lieutenant governor may enter into an agreement with the [Department]  
1048 Division of Human Resource Management to assist the lieutenant governor in providing the

1049 workplace discrimination and harassment training described in this section.

1050 (5) A training course described in this section shall include provisions for verifying  
1051 when a lobbyist has successfully completed the training.

1052 (6) (a) A lobbyist shall, within 30 days after the day on which the lobbyist applies for a  
1053 lobbying license or a lobbying license renewal:

1054 (i) successfully complete the training courses described in this section; and

1055 (ii) provide to the lieutenant governor a document, signed by the lobbyist, certifying  
1056 that the lobbyist has:

1057 (A) completed the training courses required by this section; and

1058 (B) received, read, understands, and will comply with the workplace discrimination  
1059 and harassment policies adopted by the Utah Senate, the Utah House, and Utah's executive  
1060 branch.

1061 (b) The lieutenant governor may not issue a lobbying license, or renew a lobbying  
1062 license, until the lieutenant governor has received from the lobbyist the document required by  
1063 Subsection (6)(a).

1064 (7) A signature described in Subsection (6)(b) may be an electronic signature.

1065 Section 15. Section **46-1-3** is amended to read:

1066 **46-1-3. Qualifications -- Application for notarial commission required -- Term.**

1067 (1) Except as provided in Subsection (4), and subject to Section **46-1-3.5**, the  
1068 lieutenant governor shall commission as a notary any qualified person who submits an  
1069 application in accordance with this chapter.

1070 (2) To qualify for a notarial commission an individual shall:

1071 (a) be at least 18 years old;

1072 (b) lawfully reside in the state for at least 30 days immediately before the individual  
1073 applies for a notarial commission;

1074 (c) be able to read, write, and understand English;

1075 (d) submit an application to the lieutenant governor containing no significant  
1076 misstatement or omission of fact, that includes:

1077 (i) the individual's:

1078 (A) name as it will appear on the commission;

1079 (B) residential address;

- 1080 (C) business address;
- 1081 (D) daytime telephone number; and
- 1082 (E) date of birth;
- 1083 (ii) an affirmation that the individual meets the requirements of this section;
- 1084 (iii) an indication of any criminal convictions the individual has received, including a
- 1085 plea of admission or no contest;
- 1086 (iv) all issuances, denials, revocations, suspensions, restrictions, and resignations of a
- 1087 notarial commission or other professional license involving the applicant in this or any other
- 1088 state;
- 1089 (v) an indication that the individual has passed the examination described in
- 1090 Subsection (6); and
- 1091 (vi) payment of an application fee that the lieutenant governor establishes in
- 1092 accordance with Section 63J-1-504;
- 1093 (e) (i) be a United States citizen; or
- 1094 (ii) have permanent resident status under Section 245 of the Immigration and
- 1095 Nationality Act; and
- 1096 (f) submit to a background check described in Subsection (3).
- 1097 (3) (a) The lieutenant governor shall:
- 1098 (i) request the [~~Department~~] Division of Human Resource Management to perform a
- 1099 criminal background check under Subsection 53-10-108(16) on each individual who submits
- 1100 an application under this section;
- 1101 (ii) require an individual who submits an application under this section to provide a
- 1102 signed waiver on a form provided by the lieutenant governor that complies with Subsection
- 1103 53-10-108(4); and
- 1104 (iii) provide the [~~Department~~] Division of Human Resource Management the personal
- 1105 identifying information of each individual who submits an application under this section.
- 1106 (b) The [~~Department~~] Division of Human Resource Management shall:
- 1107 (i) perform a criminal background check under Subsection 53-10-108(16) on each
- 1108 individual described in Subsection (3)(a)(i); and
- 1109 (ii) provide to the lieutenant governor all information that pertains to the individual
- 1110 described in Subsection (3)(a)(i) that the department identifies or receives as a result of the

1111 background check.

1112 (4) The lieutenant governor may deny an application based on:

1113 (a) the applicant's conviction for a crime involving dishonesty or moral turpitude;

1114 (b) any revocation, suspension, or restriction of a notarial commission or professional

1115 license issued to the applicant by this or any other state;

1116 (c) the applicant's official misconduct while acting in the capacity of a notary; or

1117 (d) the applicant's failure to pass the examination described in Subsection (6).

1118 (5) (a) An individual whom the lieutenant governor commissions as a notary:

1119 (i) may perform notarial acts in any part of the state for a term of four years, unless the  
1120 person resigns or the commission is revoked or suspended under Section 46-1-19; and

1121 (ii) except through a remote notarization performed in accordance with this chapter,  
1122 may not perform a notarial act for another individual who is outside of the state.

1123 (b) (i) After an individual's commission expires, the individual may not perform a  
1124 notarial act until the individual obtains a new commission.

1125 (ii) An individual whose commission expires and who wishes to obtain a new  
1126 commission shall submit a new application, showing compliance with the requirements of this  
1127 section.

1128 (6) (a) Each applicant for a notarial commission shall take an examination that the  
1129 lieutenant governor approves and submit the examination to a testing center that the lieutenant  
1130 governor designates for purposes of scoring the examination.

1131 (b) The testing center that the lieutenant governor designates shall issue a written  
1132 acknowledgment to the applicant indicating whether the applicant passed or failed the  
1133 examination.

1134 (7) (a) A notary shall maintain permanent residency in the state during the term of the  
1135 notary's notarial commission.

1136 (b) A notary who does not maintain permanent residency under Subsection (7)(a) shall  
1137 resign the notary's notarial commission in accordance with Section 46-1-21.

1138 Section 16. Section 46-4-503 is amended to read:

1139 **46-4-503. Government products and services provided electronically.**

1140 (1) Notwithstanding Section 46-4-501, a state governmental agency that administers  
1141 one or more of the following transactions shall allow those transactions to be conducted

- 1142 electronically:
- 1143           (a) an application for or renewal of a professional or occupational license issued under  
1144 Title 58, Occupations and Professions;
- 1145           (b) the renewal of a drivers license;
- 1146           (c) an application for a hunting or fishing license;
- 1147           (d) the filing of:
- 1148           (i) a return under Title 59, Chapter 10, Individual Income Tax Act, or Title 59, Chapter  
1149 12, Sales and Use Tax Act;
- 1150           (ii) a court document, as defined by the Judicial Council; or
- 1151           (iii) a document under Title 70A, Uniform Commercial Code;
- 1152           (e) a registration for:
- 1153           (i) a product; or
- 1154           (ii) a brand;
- 1155           (f) a renewal of a registration of a motor vehicle;
- 1156           (g) a registration under:
- 1157           (i) Title 16, Corporations;
- 1158           (ii) Title 42, Names; or
- 1159           (iii) Title 48, Unincorporated Business Entity Act; or
- 1160           (h) submission of an application for benefits:
- 1161           (i) under Title 35A, Chapter 3, Employment Support Act;
- 1162           (ii) under Title 35A, Chapter 4, Employment Security Act; or
- 1163           (iii) related to accident and health insurance.
- 1164           (2) The state system of public education, in coordination with the Utah Education and  
1165 Telehealth Network, shall make reasonable progress toward making the following services  
1166 available electronically:
- 1167           (a) secure access by parents and students to student grades and progress reports;
- 1168           (b) email communications with:
- 1169           (i) teachers;
- 1170           (ii) parent-teacher associations; and
- 1171           (iii) school administrators;
- 1172           (c) access to school calendars and schedules; and

- 1173 (d) teaching resources that may include:
- 1174 (i) teaching plans;
- 1175 (ii) curriculum guides; and
- 1176 (iii) media resources.
- 1177 (3) A state governmental agency shall:
- 1178 (a) in carrying out the requirements of this section, take reasonable steps to ensure the
- 1179 security and privacy of records that are private or controlled as defined by Title 63G, Chapter 2,
- 1180 Government Records Access and Management Act;
- 1181 (b) in addition to those transactions listed in Subsections (1) and (2), determine any
- 1182 additional services that may be made available to the public through electronic means; and
- 1183 (c) as part of the agency's information technology plan required by Section [~~63F-1-204~~]
- 1184 [63A-16-203](#), report on the progress of compliance with Subsections (1) through (3).
- 1185 (4) Notwithstanding the other provisions of this part, a state governmental agency is
- 1186 not required by this part to conduct a transaction electronically if:
- 1187 (a) conducting the transaction electronically is not required by federal law; and
- 1188 (b) conducting the transaction electronically is:
- 1189 (i) impractical;
- 1190 (ii) unreasonable; or
- 1191 (iii) not permitted by laws pertaining to privacy or security.
- 1192 (5) (a) For purposes of this Subsection (5), "one-stop shop" means the consolidation of
- 1193 access to diverse services and agencies at one location including virtual colocation.
- 1194 (b) State agencies that provide services or offer direct assistance to the business
- 1195 community shall participate in the establishment, maintenance, and enhancement of an
- 1196 integrated Utah business web portal known as Business.utah.gov. The purpose of the business
- 1197 web portal is to provide "one-stop shop" assistance to businesses.
- 1198 (c) State agencies shall partner with other governmental and nonprofit agencies whose
- 1199 primary mission is to provide services or offer direct assistance to the business community in
- 1200 Utah in fulfilling the requirements of this section.
- 1201 (d) The following state entities shall comply with the provisions of this Subsection (5):
- 1202 (i) Governor's Office of Economic Development, which shall serve as the managing
- 1203 partner for the website;

- 1204 (ii) Department of Workforce Services;
- 1205 (iii) Department of Commerce;
- 1206 (iv) Tax Commission;
- 1207 (v) Department of [~~Administrative Services~~] Government Operations - Division of
- 1208 Purchasing and General Services, including other state agencies operating under a grant of
- 1209 authority from the division to procure goods and services in excess of \$5,000;
- 1210 (vi) Department of Agriculture;
- 1211 (vii) Department of Natural Resources; and
- 1212 (viii) other state agencies that provide services or offer direct assistance to the business
- 1213 sector.
- 1214 (e) The business services available on the business web portal may include:
- 1215 (i) business life cycle information;
- 1216 (ii) business searches;
- 1217 (iii) employment needs and opportunities;
- 1218 (iv) motor vehicle registration;
- 1219 (v) permit applications and renewal;
- 1220 (vi) tax information;
- 1221 (vii) government procurement bid notifications;
- 1222 (viii) general business information;
- 1223 (ix) business directories; and
- 1224 (x) business news.
- 1225 Section 17. Section **46-5-102** is amended to read:
- 1226 **46-5-102. Definitions.**
- 1227 In this chapter:
- 1228 (1) "Electronic" means relating to technology having electrical, digital, magnetic,
- 1229 wireless, optical, electromagnetic, or similar capabilities.
- 1230 (2) "Legal material" means, whether or not in effect:
- 1231 (a) the Utah Constitution;
- 1232 (b) the Laws of Utah;
- 1233 (c) the Utah Code;
- 1234 (d) the Utah Administrative Code; or

- 1235 (e) the Utah State Bulletin.
- 1236 (3) "Official publisher" means:
- 1237 (a) for the Utah Constitution, the Office of Legislative Research and General Counsel;
- 1238 (b) for the Laws of Utah, the Office of Legislative Research and General Counsel;
- 1239 (c) for the Utah Code, the Office of Legislative Research and General Counsel;
- 1240 (d) for the Utah Administrative Code, the Office of Administrative Rules created in
- 1241 Section [63G-3-401](#) within the Department of [~~Administrative Services~~] Government
- 1242 Operations; or
- 1243 (e) for the Utah State Bulletin, the Office of Administrative Rules.
- 1244 (4) "Publish" means to display, present, or release to the public, or cause to be
- 1245 displayed, presented, or released to the public, by the official publisher.
- 1246 (5) "Record" means information that is inscribed on a tangible medium or that is stored
- 1247 in an electronic or other medium and is retrievable in perceivable form.
- 1248 (6) "State" means a state of the United States, the District of Columbia, Puerto Rico,
- 1249 the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction
- 1250 of the United States.
- 1251 Section 18. Section ~~49-11-406~~ is amended to read:
- 1252 **49-11-406. Governor's appointed executives and senior staff -- Appointed**
- 1253 **legislative employees -- Transfer of value of accrued defined benefit -- Procedures.**
- 1254 (1) As used in this section:
- 1255 (a) "Defined benefit balance" means the total amount of the contributions made on
- 1256 behalf of a member to a defined benefit system plus refund interest.
- 1257 (b) "Senior staff" means an at-will employee who reports directly to an elected official,
- 1258 executive director, or director and includes a deputy director and other similar, at-will
- 1259 employee positions designated by the governor, the speaker of the House, or the president of
- 1260 the Senate and filed with the [~~Department~~] Division of Human Resource Management and the
- 1261 Utah State Retirement Office.
- 1262 (2) In accordance with this section and subject to requirements under federal law and
- 1263 rules made by the board, a member who has service credit from a system may elect to be
- 1264 exempt from coverage under a defined benefit system and to have the member's defined benefit
- 1265 balance transferred from the defined benefit system or plan to a defined contribution plan in the

1266 member's own name if the member is:

1267 (a) the state auditor;

1268 (b) the state treasurer;

1269 (c) an appointed executive under Subsection 67-22-2(1)(a);

1270 (d) an employee in the Governor's Office;

1271 (e) senior staff in the Governor's Office of Management and Budget;

1272 (f) senior staff in the Governor's Office of Economic Development;

1273 (g) senior staff in the Commission on Criminal and Juvenile Justice;

1274 (h) a legislative employee appointed under Subsection 36-12-7(3)(a);

1275 (i) a legislative employee appointed by the speaker of the House of Representatives, the

1276 House of Representatives minority leader, the president of the Senate, or the Senate minority

1277 leader; or

1278 (j) senior staff of the Utah Science Technology and Research Initiative created under

1279 Title 63M, Chapter 2, Utah Science Technology and Research Governing Authority Act.

1280 (3) An election made under Subsection (2):

1281 (a) is final, and no right exists to make any further election;

1282 (b) is considered a request to be exempt from coverage under a defined benefits

1283 system; and

1284 (c) shall be made on forms provided by the office.

1285 (4) The board shall adopt rules to implement and administer this section.

1286 Section 19. Section 49-14-201 is amended to read:

1287 **49-14-201. System membership -- Eligibility.**

1288 (1) Except as provided in Section 49-15-201, a public safety service employee of a

1289 participating employer participating in this system is eligible for service credit in this system at

1290 the earliest of:

1291 (a) July 1, 1969, if the public safety service employee was employed by the

1292 participating employer on July 1, 1969, and the participating employer was participating in this

1293 system on that date;

1294 (b) the date the participating employer begins participating in this system if the public

1295 safety service employee was employed by the participating employer on that date; or

1296 (c) the date the public safety service employee is employed by the participating

1297 employer and is eligible to perform public safety service, except that a public safety service  
1298 employee initially entering employment with a participating employer on or after July 1, 2011,  
1299 who does not have service credit accrued before July 1, 2011, in a Tier I system or plan  
1300 administered by the board, may not participate in this system.

1301 (2) (a) (i) A participating employer that has public safety service and firefighter service  
1302 employees that require cross-training and duty shall enroll those dual purpose employees in the  
1303 system in which the greatest amount of time is actually worked.

1304 (ii) The employees shall either be full-time public safety service or full-time firefighter  
1305 service employees of the participating employer.

1306 (b) (i) Prior to transferring a dual purpose employee from one system to another, the  
1307 participating employer shall receive written permission from the office.

1308 (ii) The office may request documentation to verify the appropriateness of the transfer.

1309 (3) The board may combine or segregate the actuarial experience of participating  
1310 employers in this system for the purpose of setting contribution rates.

1311 (4) (a) (i) Each participating employer participating in this system shall annually  
1312 submit to the office a schedule indicating the positions to be covered under this system in  
1313 accordance with this chapter.

1314 (ii) The office may require documentation to justify the inclusion of any position under  
1315 this system.

1316 (b) If there is a dispute between the office and a participating employer or employee  
1317 over any position to be covered, the disputed position shall be submitted to the Peace Officer  
1318 Standards and Training Council established under Section 53-6-106 for determination.

1319 (c) (i) The Peace Officer Standards and Training Council's authority to decide  
1320 eligibility for public safety service credit is limited to claims for coverage under this system for  
1321 time periods after July 1, 1989.

1322 (ii) A decision of the Peace Officer Standards and Training Council may not be applied  
1323 to service credit earned in another system prior to July 1, 1989.

1324 (iii) Except as provided under Subsection (4)(c)(iv), a decision of the Peace Officer  
1325 Standards and Training Council granting a position coverage under this system may only be  
1326 applied prospectively from the date of that decision.

1327 (iv) A decision of the Peace Officer Standards and Training Council granting a position

1328 coverage under this system may be applied retroactively only if:

1329 (A) the participating employer covered other similarly situated positions under this  
1330 system during the time period in question; and

1331 (B) the position otherwise meets all eligibility requirements for receiving service credit  
1332 in this system during the period for which service credit is to be granted.

1333 (5) The Peace Officer Standards and Training Council may use a subcommittee to  
1334 provide a recommendation to the council in determining disputes between the office and a  
1335 participating employer or employee over a position to be covered under this system.

1336 (6) The Peace Officer Standards and Training Council shall comply with Title 63G,  
1337 Chapter 4, Administrative Procedures Act, in resolving coverage disputes in this system.

1338 (7) A public safety employee who is transferred or promoted to an administration  
1339 position requiring the performance of duties that consist primarily of management or  
1340 supervision of public safety service employees shall continue to earn public safety service  
1341 credit in this system as long as the employee remains employed in the same department.

1342 (8) An employee of the Department of Corrections shall continue to earn public safety  
1343 service credit in this system if:

1344 (a) the employee's position is no longer covered under this system for new employees  
1345 hired on or after July 1, 2015; and

1346 (b) the employee:

1347 (i) remains employed by the Department of Corrections;

1348 (ii) meets the eligibility requirements of this system;

1349 (iii) was hired into a position covered by this system prior to July 1, 2015; and

1350 (iv) has not had a break in service on or after July 1, 2015.

1351 (9) An employee who is reassigned to the [~~Department~~] Division of Technology  
1352 Services or to the [~~Department~~] Division of Human Resource Management, and who was a  
1353 member of this system, is entitled to remain a member of this system.

1354 (10) (a) To determine that a position is covered under this system, the office and, if a  
1355 coverage dispute arises, the Peace Officer Standards and Training Council shall find that the  
1356 position requires the employee to:

1357 (i) except for a dispatcher, place the employee's life or personal safety at risk; and

1358 (ii) complete training as provided in Section 53-6-303, 53-13-103, 53-13-104, or

1359 53-13-105.

1360 (b) If a position satisfies the requirements of Subsection (10)(a), the office and the  
1361 Peace Officer Standards and Training Council shall consider whether or not the position  
1362 requires the employee to:

1363 (i) perform duties that consist primarily of actively preventing or detecting crime and  
1364 enforcing criminal statutes or ordinances of this state or any of its political subdivisions;

1365 (ii) perform duties that consist primarily of providing community protection; and

1366 (iii) respond to situations involving threats to public safety and make emergency  
1367 decisions affecting the lives and health of others.

1368 (11) If a subcommittee is used to recommend the determination of disputes to the  
1369 Peace Officer Standards and Training Council, the subcommittee shall comply with the  
1370 requirements of Subsection (10) in making its recommendation.

1371 (12) A final order of the Peace Officer Standards and Training Council regarding a  
1372 dispute is a final agency action for purposes of Title 63G, Chapter 4, Administrative  
1373 Procedures Act.

1374 (13) Except as provided under Subsection (14), if a participating employer's public  
1375 safety service employees are not covered by this system or under Chapter 15, Public Safety  
1376 Noncontributory Retirement Act, as of January 1, 1998, those public safety service employees  
1377 who may otherwise qualify for membership in this system shall, at the discretion of the  
1378 participating employer, remain in their current retirement system.

1379 (14) (a) A public safety service employee employed by an airport police department,  
1380 which elects to cover its public safety service employees under the Public Safety  
1381 Noncontributory Retirement System under Subsection (13), may elect to remain in the public  
1382 safety service employee's current retirement system.

1383 (b) The public safety service employee's election to remain in the current retirement  
1384 system under Subsection (14)(a):

1385 (i) shall be made at the time the employer elects to move its public safety service  
1386 employees to a public safety retirement system;

1387 (ii) documented by written notice to the participating employer; and

1388 (iii) is irrevocable.

1389 (15) (a) Subject to Subsection (16), beginning July 1, 2015, a public safety service

1390 employee who is a dispatcher employed by:

1391 (i) the state shall be eligible for service credit in this system; and

1392 (ii) a participating employer other than the state shall be eligible for service credit in  
1393 this system if the dispatcher's participating employer elects to cover its dispatchers under this  
1394 system.

1395 (b) A participating employer's election to cover its dispatchers under this system under  
1396 Subsection (15)(a)(ii) is irrevocable and shall be documented by a resolution adopted by the  
1397 governing body of the participating employer in accordance with rules made by the office.

1398 (c) A dispatcher's service before July 1, 2015, or before a date specified by resolution  
1399 of a participating employer under Subsection (15)(b), is not eligible for service credit in this  
1400 system.

1401 (16) Notwithstanding any other provision of this section, a person initially entering  
1402 employment with a participating employer on or after July 1, 2011, who does not have service  
1403 credit accrued before July 1, 2011, in a Tier I system or plan administered by the board, may  
1404 not participate in this system.

1405 Section 20. Section **49-15-201** is amended to read:

1406 **49-15-201. System membership -- Eligibility.**

1407 (1) (a) A public safety service employee employed by the state after July 1, 1989, but  
1408 before July 1, 2011, is eligible for service credit in this system.

1409 (b) A public safety service employee employed by the state prior to July 1, 1989, may  
1410 either elect to receive service credit in this system or continue to receive service credit under  
1411 the system established under Chapter 14, Public Safety Contributory Retirement Act, by  
1412 following the procedures established by the board under this chapter.

1413 (2) (a) Public safety service employees of a participating employer other than the state  
1414 that elected on or before July 1, 1989, to remain in the Public Safety Contributory Retirement  
1415 System shall be eligible only for service credit in that system.

1416 (b) (i) A participating employer other than the state that elected on or before July 1,  
1417 1989, to participate in this system shall, have allowed, prior to July 1, 1989, a public safety  
1418 service employee to elect to participate in either this system or the Public Safety Contributory  
1419 Retirement System.

1420 (ii) Except as expressly allowed by this title, the election of the public safety service

1421 employee is final and may not be changed.

1422 (c) A public safety service employee hired by a participating employer other than the  
1423 state after July 1, 1989, but before July 1, 2011, shall become a member in this system.

1424 (d) A public safety service employee of a participating employer other than the state  
1425 who began participation in this system after July 1, 1989, but before July 1, 2011, is only  
1426 eligible for service credit in this system.

1427 (e) A person initially entering employment with a participating employer on or after  
1428 July 1, 2011, who does not have service credit accrued before July 1, 2011, in a Tier I system  
1429 or plan administered by the board, may not participate in this system.

1430 (3) (a) (i) A participating employer that has public safety service and firefighter service  
1431 employees that require cross-training and duty shall enroll those dual purpose employees in the  
1432 system in which the greatest amount of time is actually worked.

1433 (ii) The employees shall either be full-time public safety service or full-time firefighter  
1434 service employees of the participating employer.

1435 (b) (i) Prior to transferring a dual purpose employee from one system to another, the  
1436 participating employer shall receive written permission from the office.

1437 (ii) The office may request documentation to verify the appropriateness of the transfer.

1438 (4) The board may combine or segregate the actuarial experience of participating  
1439 employers in this system for the purpose of setting contribution rates.

1440 (5) (a) (i) Each participating employer participating in this system shall annually  
1441 submit to the office a schedule indicating the positions to be covered under this system in  
1442 accordance with this chapter.

1443 (ii) The office may require documentation to justify the inclusion of any position under  
1444 this system.

1445 (b) If there is a dispute between the office and a participating employer or employee  
1446 over any position to be covered, the disputed position shall be submitted to the Peace Officer  
1447 Standards and Training Council established under Section 53-6-106 for determination.

1448 (c) (i) The Peace Officer Standards and Training Council's authority to decide  
1449 eligibility for public safety service credit is limited to claims for coverage under this system for  
1450 time periods after July 1, 1989.

1451 (ii) A decision of the Peace Officer Standards and Training Council may not be applied

1452 to service credit earned in another system prior to July 1, 1989.

1453 (iii) Except as provided under Subsection (5)(c)(iv), a decision of the Peace Officer  
1454 Standards and Training Council granting a position coverage under this system may only be  
1455 applied prospectively from the date of that decision.

1456 (iv) A decision of the Peace Officer Standards and Training Council granting a position  
1457 coverage under this system may be applied retroactively only if:

1458 (A) the participating employer covered other similarly situated positions under this  
1459 system during the time period in question; and

1460 (B) the position otherwise meets all eligibility requirements for receiving service credit  
1461 in this system during the period for which service credit is to be granted.

1462 (6) The Peace Officer Standards and Training Council may use a subcommittee to  
1463 provide a recommendation to the council in determining disputes between the office and a  
1464 participating employer or employee over a position to be covered under this system.

1465 (7) The Peace Officer Standards and Training Council shall comply with Title 63G,  
1466 Chapter 4, Administrative Procedures Act, in resolving coverage disputes in this system.

1467 (8) A public safety service employee who is transferred or promoted to an  
1468 administration position requiring the performance of duties that consist primarily of  
1469 management or supervision of public safety service employees shall continue to earn public  
1470 safety service credit in this system as long as the employee remains employed in the same  
1471 department.

1472 (9) An employee of the Department of Corrections shall continue to earn public safety  
1473 service credit in this system if:

1474 (a) the employee's position is no longer covered under this system for new employees  
1475 hired on or after July 1, 2015; and

1476 (b) the employee:

1477 (i) remains employed by the Department of Corrections;

1478 (ii) meets the eligibility requirements of this system;

1479 (iii) was hired into a position covered by this system prior to July 1, 2015; and

1480 (iv) has not had a break in service on or after July 1, 2015.

1481 (10) Any employee who is reassigned to the [~~Department~~] Division of Technology  
1482 Services or to the [~~Department~~] Division of Human Resource Management, and who was a

1483 member in this system, shall be entitled to remain a member in this system.

1484 (11) (a) To determine that a position is covered under this system, the office and, if a  
1485 coverage dispute arises, the Peace Officer Standards and Training Council shall find that the  
1486 position requires the employee to:

1487 (i) except for a dispatcher, place the employee's life or personal safety at risk; and

1488 (ii) complete training as provided in Section 53-6-303, 53-13-103, 53-13-104, or  
1489 53-13-105.

1490 (b) If a position satisfies the requirements of Subsection (11)(a), the office and Peace  
1491 Officer Standards and Training Council shall consider whether the position requires the  
1492 employee to:

1493 (i) perform duties that consist primarily of actively preventing or detecting crime and  
1494 enforcing criminal statutes or ordinances of this state or any of its political subdivisions;

1495 (ii) perform duties that consist primarily of providing community protection; and

1496 (iii) respond to situations involving threats to public safety and make emergency  
1497 decisions affecting the lives and health of others.

1498 (12) If a subcommittee is used to recommend the determination of disputes to the  
1499 Peace Officer Standards and Training Council, the subcommittee shall comply with the  
1500 requirements of Subsection (11) in making its recommendation.

1501 (13) A final order of the Peace Officer Standards and Training Council regarding a  
1502 dispute is a final agency action for purposes of Title 63G, Chapter 4, Administrative  
1503 Procedures Act.

1504 (14) Except as provided under Subsection (15), if a participating employer's public  
1505 safety service employees are not covered by this system or under Chapter 14, Public Safety  
1506 Contributory Retirement Act, as of January 1, 1998, those public safety service employees who  
1507 may otherwise qualify for membership in this system shall, at the discretion of the participating  
1508 employer, remain in their current retirement system.

1509 (15) (a) A public safety service employee employed by an airport police department,  
1510 which elects to cover its public safety service employees under the Public Safety  
1511 Noncontributory Retirement System under Subsection (14), may elect to remain in the public  
1512 safety service employee's current retirement system.

1513 (b) The public safety service employee's election to remain in the current retirement

1514 system under Subsection (15)(a):

1515 (i) shall be made at the time the employer elects to move its public safety service  
1516 employees to a public safety retirement system;

1517 (ii) shall be documented by written notice to the participating employer; and

1518 (iii) is irrevocable.

1519 (16) (a) Subject to Subsection (17), beginning July 1, 2015, a public safety service  
1520 employee who is a dispatcher employed by:

1521 (i) the state shall be eligible for service credit in this system; and

1522 (ii) a participating employer other than the state shall be eligible for service credit in  
1523 this system if the dispatcher's participating employer elects to cover its dispatchers under this  
1524 system.

1525 (b) A participating employer's election to cover its dispatchers under this system under  
1526 Subsection (16)(a)(ii) is irrevocable and shall be documented by a resolution adopted by the  
1527 governing body of the participating employer in accordance with rules made by the office.

1528 (c) A dispatcher's service before July 1, 2015, or before a date specified by resolution  
1529 of a participating employer under Subsection (16)(b), is not eligible for service credit in this  
1530 system.

1531 (17) Notwithstanding any other provision of this section, a person initially entering  
1532 employment with a participating employer on or after July 1, 2011, who does not have service  
1533 credit accrued before July 1, 2011, in a Tier I system or plan administered by the board, may  
1534 not participate in this system.

1535 Section 21. Section ~~49-20-401~~ is amended to read:

1536 **49-20-401. Program -- Powers and duties.**

1537 (1) The program shall:

1538 (a) act as a self-insurer of employee benefit plans and administer those plans;

1539 (b) enter into contracts with private insurers or carriers to underwrite employee benefit  
1540 plans as considered appropriate by the program;

1541 (c) indemnify employee benefit plans or purchase commercial reinsurance as  
1542 considered appropriate by the program;

1543 (d) provide descriptions of all employee benefit plans under this chapter in cooperation  
1544 with covered employers;

- 1545 (e) process claims for all employee benefit plans under this chapter or enter into  
1546 contracts, after competitive bids are taken, with other benefit administrators to provide for the  
1547 administration of the claims process;
- 1548 (f) obtain an annual actuarial review of all health and dental benefit plans and a  
1549 periodic review of all other employee benefit plans;
- 1550 (g) consult with the covered employers to evaluate employee benefit plans and develop  
1551 recommendations for benefit changes;
- 1552 (h) annually submit a budget and audited financial statements to the governor and  
1553 Legislature which includes total projected benefit costs and administrative costs;
- 1554 (i) maintain reserves sufficient to liquidate the unrevealed claims liability and other  
1555 liabilities of the employee benefit plans as certified by the program's consulting actuary;
- 1556 (j) submit, in advance, its recommended benefit adjustments for state employees to:  
1557 (i) the Legislature; and  
1558 (ii) the ~~[executive]~~ director of the state ~~[Department]~~ Division of Human Resource  
1559 Management;
- 1560 (k) determine benefits and rates, upon approval of the board, for multi-employer risk  
1561 pools, retiree coverage, and conversion coverage;
- 1562 (l) determine benefits and rates based on the total estimated costs and the employee  
1563 premium share established by the Legislature, upon approval of the board, for state employees;
- 1564 (m) administer benefits and rates, upon ratification of the board, for single-employer  
1565 risk pools;
- 1566 (n) request proposals for provider networks or health and dental benefit plans  
1567 administered by third-party carriers at least once every three years for the purposes of:  
1568 (i) stimulating competition for the benefit of covered individuals;  
1569 (ii) establishing better geographical distribution of medical care services; and  
1570 (iii) providing coverage for both active and retired covered individuals;
- 1571 (o) offer proposals which meet the criteria specified in a request for proposals and  
1572 accepted by the program to active and retired state covered individuals and which may be  
1573 offered to active and retired covered individuals of other covered employers at the option of the  
1574 covered employer;
- 1575 (p) perform the same functions established in Subsections (1)(a), (b), (e), and (h) for

1576 the Department of Health if the program provides program benefits to children enrolled in the  
1577 Utah Children's Health Insurance Program created in Title 26, Chapter 40, Utah Children's  
1578 Health Insurance Act;

1579 (q) establish rules and procedures governing the admission of political subdivisions or  
1580 educational institutions and their employees to the program;

1581 (r) contract directly with medical providers to provide services for covered individuals;

1582 (s) take additional actions necessary or appropriate to carry out the purposes of this  
1583 chapter;

1584 (t) (i) require state employees and their dependents to participate in the electronic  
1585 exchange of clinical health records in accordance with Section 26-1-37 unless the enrollee opts  
1586 out of participation; and

1587 (ii) prior to enrolling the state employee, each time the state employee logs onto the  
1588 program's website, and each time the enrollee receives written enrollment information from the  
1589 program, provide notice to the enrollee of the enrollee's participation in the electronic exchange  
1590 of clinical health records and the option to opt out of participation at any time; and

1591 (u) at the request of a procurement unit, as that term is defined in Section 63G-6a-103,  
1592 that administers benefits to program recipients who are not covered by Title 26, Utah Health  
1593 Code, provide services for:

1594 (i) drugs;

1595 (ii) medical devices; or

1596 (iii) other types of medical care.

1597 (2) (a) Funds budgeted and expended shall accrue from rates paid by the covered  
1598 employers and covered individuals.

1599 (b) Administrative costs shall be approved by the board and reported to the governor  
1600 and the Legislature.

1601 (3) The [~~Department~~] Division of Human Resource Management shall include the  
1602 benefit adjustments described in Subsection (1)(j) in the total compensation plan recommended  
1603 to the governor required under Subsection [~~67-19-12~~] 63A-17-307(5)(a).

1604 Section 22. Section 49-20-410 is amended to read:

1605 **49-20-410. High deductible health plan -- Health savings account --**  
1606 **Contributions.**

1607 (1) (a) In addition to other employee benefit plans offered under Subsection  
1608 49-20-201(1), the office shall offer at least one federally qualified high deductible health plan  
1609 with a health savings account as an optional health plan.

1610 (b) The provisions and limitations of the plan shall be:

1611 (i) determined by the office in accordance with federal requirements and limitations;  
1612 and

1613 (ii) designed to promote appropriate health care utilization by consumers, including  
1614 preventive health care services.

1615 (c) A state employee hired on or after July 1, 2011, who is offered a plan under  
1616 Subsection 49-20-202(1)(a), shall be enrolled in a federally qualified high deductible health  
1617 plan unless the employee chooses a different health benefit plan during the employee's open  
1618 enrollment period.

1619 (2) The office shall:

1620 (a) administer the high deductible health plan in coordination with a health savings  
1621 account for medical expenses for each covered individual in the high deductible health plan;

1622 (b) offer to all employees training regarding all health plans offered to employees;

1623 (c) prepare online training as an option for the training required by Subsections (2)(b)  
1624 and (4);

1625 (d) ensure the training offered under Subsections (2)(b) and (c) includes information on  
1626 changing coverages to the high deductible plan with a health savings account, including  
1627 coordination of benefits with other insurances, restrictions on other insurance coverages, and  
1628 general tax implications; and

1629 (e) coordinate annual open enrollment with the [~~Department~~] Division of Human  
1630 Resource Management to give state employees the opportunity to affirmatively select  
1631 preferences from among insurance coverage options.

1632 (3) (a) Contributions to the health savings account may be made by the employer.

1633 (b) The amount of the employer contributions under Subsection (3)(a) shall be  
1634 determined annually by the office, after consultation with the [~~Department~~] Division of Human  
1635 Resource Management and the Governor's Office of Management and Budget so that the  
1636 annual employer contribution amount is not less than the difference in the actuarial value  
1637 between the program's health maintenance organization coverage and the federally qualified

1638 high deductible health plan coverage, after taking into account any difference in employee  
1639 premium contribution.

1640 (c) The office shall distribute the annual amount determined under Subsection (3)(b) to  
1641 employees in two equal amounts with a pay date in January and a pay date in July of each plan  
1642 year.

1643 (d) An employee may also make contributions to the health savings account.

1644 (e) If an employee is ineligible for a contribution to a health savings account under  
1645 federal law and would otherwise be eligible for the contribution under Subsection (3)(a), the  
1646 contribution shall be distributed into a health reimbursement account or other tax-advantaged  
1647 arrangement authorized under the Internal Revenue Code for the benefit of the employee.

1648 (4) (a) An employer participating in a plan offered under Subsection 49-20-202(1)(a)  
1649 shall require each employee to complete training on the health plan options available to the  
1650 employee.

1651 (b) The training required by Subsection (4)(a):

1652 (i) shall include materials prepared by the office under Subsection (2);

1653 (ii) may be completed online; and

1654 (iii) shall be completed:

1655 (A) before the end of the 2012 open enrollment period for current enrollees in the  
1656 program; and

1657 (B) for employees hired on or after July 1, 2011, before the employee's selection of a  
1658 plan in the program.

1659 Section 23. Section 53-1-106 is amended to read:

1660 **53-1-106. Department duties -- Powers.**

1661 (1) In addition to the responsibilities contained in this title, the department shall:

1662 (a) make rules and perform the functions specified in Title 41, Chapter 6a, Traffic  
1663 Code, including:

1664 (i) setting performance standards for towing companies to be used by the department,  
1665 as required by Section 41-6a-1406; and

1666 (ii) advising the Department of Transportation regarding the safe design and operation  
1667 of school buses, as required by Section 41-6a-1304;

1668 (b) make rules to establish and clarify standards pertaining to the curriculum and

1669 teaching methods of a motor vehicle accident prevention course under Section [31A-19a-211](#);

1670 (c) aid in enforcement efforts to combat drug trafficking;

1671 (d) meet with the [~~Department~~] Division of Technology Services to formulate

1672 contracts, establish priorities, and develop funding mechanisms for dispatch and

1673 telecommunications operations;

1674 (e) provide assistance to the Crime Victim Reparations Board and the Utah Office for

1675 Victims of Crime in conducting research or monitoring victims' programs, as required by

1676 Section [63M-7-505](#);

1677 (f) develop sexual assault exam protocol standards in conjunction with the Utah

1678 Hospital Association;

1679 (g) engage in emergency planning activities, including preparation of policy and

1680 procedure and rulemaking necessary for implementation of the federal Emergency Planning

1681 and Community Right to Know Act of 1986, as required by Section [53-2a-702](#);

1682 (h) implement the provisions of Section [53-2a-402](#), the Emergency Management

1683 Assistance Compact;

1684 (i) ensure that any training or certification required of a public official or public

1685 employee, as those terms are defined in Section [63G-22-102](#), complies with Title 63G, Chapter

1686 22, State Training and Certification Requirements, if the training or certification is required:

1687 (i) under this title;

1688 (ii) by the department; or

1689 (iii) by an agency or division within the department; and

1690 (j) employ a law enforcement officer as a public safety liaison to be housed at the State

1691 Board of Education who shall work with the State Board of Education to:

1692 (i) support training with relevant state agencies for school resource officers as

1693 described in Section [53G-8-702](#);

1694 (ii) coordinate the creation of model policies and memorandums of understanding for a

1695 local education agency and a local law enforcement agency; and

1696 (iii) ensure cooperation between relevant state agencies, a local education agency, and

1697 a local law enforcement agency to foster compliance with disciplinary related statutory

1698 provisions, including Sections [53E-3-516](#) and [53G-8-211](#).

1699 (2) (a) The department shall establish a schedule of fees as required or allowed in this

1700 title for services provided by the department.

1701 (b) All fees not established in statute shall be established in accordance with Section  
1702 63J-1-504.

1703 (3) The department may establish or contract for the establishment of an Organ  
1704 Procurement Donor Registry in accordance with Section 26-28-120.

1705 Section 24. Section 53-2a-105 is amended to read:

1706 **53-2a-105. Emergency Management Administration Council created -- Function**  
1707 **-- Composition -- Expenses.**

1708 (1) There is created the Emergency Management Administration Council to provide  
1709 advice and coordination for state and local government agencies on government emergency  
1710 prevention, mitigation, preparedness, response, and recovery actions and activities.

1711 (2) The council shall meet at the call of the chair, but at least semiannually.

1712 (3) The council shall be made up of the:

1713 (a) lieutenant governor, or the lieutenant governor's designee;

1714 (b) attorney general, or the attorney general's designee;

1715 (c) heads of the following state agencies, or their designees:

1716 (i) Department of Public Safety;

1717 (ii) Division of Emergency Management;

1718 (iii) Department of Transportation;

1719 (iv) Department of Health;

1720 (v) Department of Environmental Quality;

1721 (vi) Department of Workforce Services;

1722 (vii) Department of Natural Resources;

1723 (viii) Department of Agriculture and Food;

1724 (ix) [~~Department~~] Division of Technology Services; and

1725 (x) Division of Indian Affairs;

1726 (d) adjutant general of the National Guard or the adjutant general's designee;

1727 (e) statewide interoperability coordinator of the Utah Communications Authority or the  
1728 coordinator's designee;

1729 (f) two representatives with expertise in emergency management appointed by the Utah  
1730 League of Cities and Towns;

- 1731 (g) two representatives with expertise in emergency management appointed by the  
1732 Utah Association of Counties;
- 1733 (h) up to four additional members with expertise in emergency management, critical  
1734 infrastructure, or key resources as these terms are defined under 6 U.S. Code Section 101  
1735 appointed from the private sector, by the co-chairs of the council;
- 1736 (i) two representatives appointed by the Utah Emergency Management Association;
- 1737 (j) one representative from the Urban Area Working Group, appointed by the council  
1738 co-chairs;
- 1739 (k) one representative from education, appointed by the council co-chairs; and
- 1740 (l) one representative from a volunteer or faith-based organization, appointed by the  
1741 council co-chairs.
- 1742 (4) The commissioner and the lieutenant governor shall serve as co-chairs of the  
1743 council.
- 1744 (5) A member may not receive compensation or benefits for the member's service, but  
1745 may receive per diem and travel expenses in accordance with:
- 1746 (a) Section [63A-3-106](#);
- 1747 (b) Section [63A-3-107](#); and
- 1748 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
1749 [63A-3-107](#).
- 1750 (6) The council shall coordinate with existing emergency management related entities  
1751 including:
- 1752 (a) the Emergency Management Regional Committees established by the Department  
1753 of Public Safety;
- 1754 (b) the Statewide Mutual Aid Committee established under Section [53-2a-303](#); and
- 1755 (c) the Hazardous Chemical Emergency Response Commission designated under  
1756 Section [53-2a-703](#).
- 1757 (7) The council may appoint additional members or establish other committees and  
1758 task forces as determined necessary by the council to carry out the duties of the council.
- 1759 Section 25. Section **53-2a-802** is amended to read:
- 1760 **53-2a-802. Definitions.**
- 1761 (1) (a) "Absent" means:

1762 (i) not physically present or not able to be communicated with for 48 hours; or  
1763 (ii) for local government officers, as defined by local ordinances.

1764 (b) "Absent" does not include a person who can be communicated with via telephone,  
1765 radio, or telecommunications.

1766 (2) "Department" means the Department of [~~Administrative Services~~] Government  
1767 Operations, the Department of Agriculture and Food, the Alcoholic Beverage Control  
1768 Commission, the Department of Commerce, the Department of Heritage and Arts, the  
1769 Department of Corrections, the Department of Environmental Quality, the Department of  
1770 Financial Institutions, the Department of Health, [~~the Department of Human Resource~~  
1771 ~~Management,~~] the Department of Workforce Services, the Labor Commission, the National  
1772 Guard, the Department of Insurance, the Department of Natural Resources, the Department of  
1773 Public Safety, the Public Service Commission, the Department of Human Services, the State  
1774 Tax Commission, [~~the Department of Technology Services,~~] the Department of Transportation,  
1775 any other major administrative subdivisions of state government, the State Board of Education,  
1776 the Utah Board of Higher Education, the Utah Housing Corporation, the State Retirement  
1777 Board, and each institution of higher education within the system of higher education.

1778 (3) "Division" means the Division of Emergency Management established in Title 53,  
1779 Chapter 2a, Part 1, Emergency Management Act.

1780 (4) "Emergency interim successor" means a person designated by this part to exercise  
1781 the powers and discharge the duties of an office when the person legally exercising the powers  
1782 and duties of the office is unavailable.

1783 (5) "Executive director" means the person with ultimate responsibility for managing  
1784 and overseeing the operations of each department, however denominated.

1785 (6) (a) "Office" includes all state and local offices, the powers and duties of which are  
1786 defined by constitution, statutes, charters, optional plans, ordinances, articles, or by-laws.

1787 (b) "Office" does not include the office of governor or the legislative or judicial offices.

1788 (7) "Place of governance" means the physical location where the powers of an office  
1789 are being exercised.

1790 (8) "Political subdivision" includes counties, cities, towns, metro townships, districts,  
1791 authorities, and other public corporations and entities whether organized and existing under  
1792 charter or general law.

1793 (9) "Political subdivision officer" means a person holding an office in a political  
1794 subdivision.

1795 (10) "State officer" means the attorney general, the state treasurer, the state auditor, and  
1796 the executive director of each department.

1797 (11) "Unavailable" means:

1798 (a) absent from the place of governance during a disaster that seriously disrupts normal  
1799 governmental operations, whether or not that absence or inability would give rise to a vacancy  
1800 under existing constitutional or statutory provisions; or

1801 (b) as otherwise defined by local ordinance.

1802 Section 26. Section **53-6-104** is amended to read:

1803 **53-6-104. Appointment of director of division -- Qualifications -- Appointment of**  
1804 **employees -- Term of office -- Compensation.**

1805 (1) The commissioner, upon recommendation of the council and with the approval of  
1806 the governor, shall appoint a director of the division.

1807 (2) The director is the executive and administrative head of the division and shall be  
1808 experienced in administration and possess additional qualifications as determined by the  
1809 commissioner and as provided by law.

1810 (3) The director shall be a full-time officer of the state.

1811 (4) The director may appoint deputies, consultants, clerks, and other employees from  
1812 eligibility lists authorized by the [~~Department~~] Division of Human Resource Management.

1813 (5) The director may be removed from his position at the will of the commissioner.

1814 (6) The director shall receive compensation as provided by Title [~~67~~] 63A, Chapter  
1815 [~~+9~~] 17, Utah State Personnel Management Act.

1816 Section 27. Section **53-10-108** is amended to read:

1817 **53-10-108. Restrictions on access, use, and contents of division records -- Limited**  
1818 **use of records for employment purposes -- Challenging accuracy of records -- Usage fees**  
1819 **-- Missing children records -- Penalty for misuse of records.**

1820 (1) As used in this section:

1821 (a) "FBI Rap Back System" means the rap back system maintained by the Federal  
1822 Bureau of Investigation.

1823 (b) "Rap back system" means a system that enables authorized entities to receive

1824 ongoing status notifications of any criminal history reported on individuals whose fingerprints  
1825 are registered in the system.

1826 (c) "WIN Database" means the Western Identification Network Database that consists  
1827 of eight western states sharing one electronic fingerprint database.

1828 (2) Dissemination of information from a criminal history record, including information  
1829 obtained from a fingerprint background check, name check, warrant of arrest information, or  
1830 information from division files, is limited to:

1831 (a) criminal justice agencies for purposes of administration of criminal justice and for  
1832 employment screening by criminal justice agencies;

1833 (b) (i) agencies or individuals pursuant to a specific agreement with a criminal justice  
1834 agency to provide services required for the administration of criminal justice;

1835 (ii) the agreement shall specifically authorize access to data, limit the use of the data to  
1836 purposes for which given, and ensure the security and confidentiality of the data;

1837 (c) a qualifying entity for employment background checks for their own employees and  
1838 persons who have applied for employment with the qualifying entity;

1839 (d) noncriminal justice agencies or individuals for any purpose authorized by statute,  
1840 executive order, court rule, court order, or local ordinance;

1841 (e) agencies or individuals for the purpose of obtaining required clearances connected  
1842 with foreign travel or obtaining citizenship;

1843 (f) agencies or individuals for the purpose of a preplacement adoptive study, in  
1844 accordance with the requirements of Sections [78B-6-128](#) and [78B-6-130](#);

1845 (g) private security agencies through guidelines established by the commissioner for  
1846 employment background checks for their own employees and prospective employees;

1847 (h) state agencies for the purpose of conducting a background check for the following  
1848 individuals:

1849 (i) employees;

1850 (ii) applicants for employment;

1851 (iii) volunteers; and

1852 (iv) contract employees;

1853 (i) governor's office for the purpose of conducting a background check on the  
1854 following individuals:

- 1855 (i) cabinet members;
- 1856 (ii) judicial applicants; and
- 1857 (iii) members of boards, committees, and commissions appointed by the governor;
- 1858 (j) the office of the lieutenant governor for the purpose of conducting a background
- 1859 check on an individual applying to be a notary public under Section 46-1-3[-];
- 1860 (k) agencies and individuals as the commissioner authorizes for the express purpose of
- 1861 research, evaluative, or statistical activities pursuant to an agreement with a criminal justice
- 1862 agency; and
- 1863 (l) other agencies and individuals as the commissioner authorizes and finds necessary
- 1864 for protection of life and property and for offender identification, apprehension, and
- 1865 prosecution pursuant to an agreement.
- 1866 (3) An agreement under Subsection (2)(k) shall specifically authorize access to data,
- 1867 limit the use of data to research, evaluative, or statistical purposes, preserve the anonymity of
- 1868 individuals to whom the information relates, and ensure the confidentiality and security of the
- 1869 data.
- 1870 (4) (a) Before requesting information, a qualifying entity under Subsection (2)(c), state
- 1871 agency, or other agency or individual described in Subsections (2)(d) through (j) shall obtain a
- 1872 signed waiver from the person whose information is requested.
- 1873 (b) The waiver shall notify the signee:
- 1874 (i) that a criminal history background check will be conducted;
- 1875 (ii) who will see the information; and
- 1876 (iii) how the information will be used.
- 1877 (c) A qualifying entity under Subsection (2)(c), state agency, or other agency or
- 1878 individual described in Subsections (2)(d) through (g) that submits a request for a noncriminal
- 1879 justice name based background check of local databases to the bureau shall provide to the
- 1880 bureau:
- 1881 (i) personal identifying information for the subject of the background check; and
- 1882 (ii) the fee required by Subsection (15).
- 1883 (d) A qualifying entity under Subsection (2)(c), state agency, or other agency or
- 1884 individual described in Subsections (2)(d) through (g) that submits a request for a WIN
- 1885 database check and a nationwide background check shall provide to the bureau:

- 1886 (i) personal identifying information for the subject of the background check;  
1887 (ii) a fingerprint card for the subject of the background check; and  
1888 (iii) the fee required by Subsection (15).
- 1889 (e) Information received by a qualifying entity under Subsection (2)(c), state agency, or  
1890 other agency or individual described in Subsections (2)(d) through (j) may only be:
- 1891 (i) available to individuals involved in the hiring or background investigation of the job  
1892 applicant, employee, or notary applicant;
- 1893 (ii) used for the purpose of assisting in making an employment appointment, selection,  
1894 or promotion decision or for considering a notary applicant under Section 46-1-3; and  
1895 (iii) used for the purposes disclosed in the waiver signed in accordance with Subsection  
1896 (4)(b).
- 1897 (f) An individual who disseminates or uses information obtained from the division  
1898 under Subsections (2)(c) through (j) for purposes other than those specified under Subsection  
1899 (4)(e), in addition to any penalties provided under this section, is subject to civil liability.
- 1900 (g) A qualifying entity under Subsection (2)(c), state agency, or other agency or  
1901 individual described in Subsections (2)(d) through (j) that obtains background check  
1902 information shall provide the subject of the background check an opportunity to:
- 1903 (i) review the information received as provided under Subsection (9); and  
1904 (ii) respond to any information received.
- 1905 (h) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1906 division may make rules to implement this Subsection (4).
- 1907 (i) The division or its employees are not liable for defamation, invasion of privacy,  
1908 negligence, or any other claim in connection with the contents of information disseminated  
1909 under Subsections (2)(c) through (j).
- 1910 (5) (a) Any criminal history record information obtained from division files may be  
1911 used only for the purposes for which it was provided and may not be further disseminated,  
1912 except under Subsection (5)(b), (c), or (d).
- 1913 (b) A criminal history provided to an agency pursuant to Subsection (2)(f) may be  
1914 provided by the agency to the individual who is the subject of the history, another licensed  
1915 child-placing agency, or the attorney for the adoptive parents for the purpose of facilitating an  
1916 adoption.

1917 (c) A criminal history of a defendant provided to a criminal justice agency under  
1918 Subsection (2)(a) may also be provided by the prosecutor to a defendant's defense counsel,  
1919 upon request during the discovery process, for the purpose of establishing a defense in a  
1920 criminal case.

1921 (d) A public transit district, as described in Title 17B, Chapter 2a, Part 8, Public  
1922 Transit District Act, that is under contract with a state agency to provide services may, for the  
1923 purposes of complying with Subsection 62A-5-103.5(5), provide a criminal history record to  
1924 the state agency or the agency's designee.

1925 (6) The division may not disseminate criminal history record information to qualifying  
1926 entities under Subsection (2)(c) regarding employment background checks if the information is  
1927 related to charges:

1928 (a) that have been declined for prosecution;

1929 (b) that have been dismissed; or

1930 (c) regarding which a person has been acquitted.

1931 (7) (a) This section does not preclude the use of the division's central computing  
1932 facilities for the storage and retrieval of criminal history record information.

1933 (b) This information shall be stored so it cannot be modified, destroyed, or accessed by  
1934 unauthorized agencies or individuals.

1935 (8) Direct access through remote computer terminals to criminal history record  
1936 information in the division's files is limited to those agencies authorized by the commissioner  
1937 under procedures designed to prevent unauthorized access to this information.

1938 (9) (a) The commissioner shall establish procedures to allow an individual right of  
1939 access to review and receive a copy of the individual's criminal history report.

1940 (b) A processing fee for the right of access service, including obtaining a copy of the  
1941 individual's criminal history report under Subsection (9)(a) shall be set in accordance with  
1942 Section 63J-1-504.

1943 (c) (i) The commissioner shall establish procedures for an individual to challenge the  
1944 completeness and accuracy of criminal history record information contained in the division's  
1945 computerized criminal history files regarding that individual.

1946 (ii) These procedures shall include provisions for amending any information found to  
1947 be inaccurate or incomplete.

1948 (10) The private security agencies as provided in Subsection (2)(g):  
1949 (a) shall be charged for access; and  
1950 (b) shall be registered with the division according to rules made by the division under  
1951 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.  
1952 (11) Before providing information requested under this section, the division shall give  
1953 priority to criminal justice agencies needs.  
1954 (12) (a) It is a class B misdemeanor for a person to knowingly or intentionally access,  
1955 use, disclose, or disseminate a record created, maintained, or to which access is granted by the  
1956 division or any information contained in a record created, maintained, or to which access is  
1957 granted by the division for a purpose prohibited or not permitted by statute, rule, regulation, or  
1958 policy of a governmental entity.  
1959 (b) A person who discovers or becomes aware of any unauthorized use of records  
1960 created or maintained, or to which access is granted by the division shall inform the  
1961 commissioner and the director of the Utah Bureau of Criminal Identification of the  
1962 unauthorized use.  
1963 (13) (a) Subject to Subsection (13)(b), a qualifying entity or an entity described in  
1964 Subsection (2) may request that the division register fingerprints taken for the purpose of  
1965 conducting current and future criminal background checks under this section with:  
1966 (i) the WIN Database rap back system, or any successor system;  
1967 (ii) the FBI Rap Back System; or  
1968 (iii) a system maintained by the division.  
1969 (b) A qualifying entity or an entity described in Subsection (2) may only make a  
1970 request under Subsection (13)(a) if the entity:  
1971 (i) has the authority through state or federal statute or federal executive order;  
1972 (ii) obtains a signed waiver from the individual whose fingerprints are being registered;  
1973 and  
1974 (iii) establishes a privacy risk mitigation strategy to ensure that the entity only receives  
1975 notifications for individuals with whom the entity maintains an authorizing relationship.  
1976 (14) The division is authorized to submit fingerprints to the FBI Rap Back System to  
1977 be retained in the FBI Rap Back System for the purpose of being searched by future  
1978 submissions to the FBI Rap Back System, including latent fingerprint searches.

1979 (15) (a) The division shall impose fees set in accordance with Section 63J-1-504 for  
1980 the applicant fingerprint card, name check, and to register fingerprints under Subsection  
1981 (13)(a).

1982 (b) Funds generated under this Subsection (15) shall be deposited into the General  
1983 Fund as a dedicated credit by the department to cover the costs incurred in providing the  
1984 information.

1985 (c) The division may collect fees charged by an outside agency for services required  
1986 under this section.

1987 (16) For the purposes of conducting a criminal background check authorized under  
1988 Subsection (2)(h),(i), or (j), the ~~[Department]~~ Division of Human Resource Management, in  
1989 accordance with Title ~~[67, Chapter 19]~~ 63A, Chapter 17, Utah State Personnel Management  
1990 Act, and the governor's office shall have direct access to criminal background information  
1991 maintained under Title 53, Chapter 10, Part 2, Bureau of Criminal Identification.

1992 Section 28. Section **53B-17-105** is amended to read:

1993 **53B-17-105. Utah Education and Telehealth Network.**

1994 (1) There is created the Utah Education and Telehealth Network, or UETN.

1995 (2) UETN shall:

1996 (a) coordinate and support the telecommunications needs of public and higher  
1997 education, public libraries, and entities affiliated with the state systems of public and higher  
1998 education as approved by the Utah Education and Telehealth Network Board, including the  
1999 statewide development and implementation of a network for education, which utilizes satellite,  
2000 microwave, fiber-optic, broadcast, and other transmission media;

2001 (b) coordinate the various telecommunications technology initiatives of public and  
2002 higher education;

2003 (c) provide high-quality, cost-effective Internet access and appropriate interface  
2004 equipment for schools and school systems;

2005 (d) procure, install, and maintain telecommunication services and equipment on behalf  
2006 of public and higher education;

2007 (e) develop or implement other programs or services for the delivery of distance  
2008 learning and telehealth services as directed by law;

2009 (f) apply for state and federal funding on behalf of:

- 2010 (i) public and higher education; and
- 2011 (ii) telehealth services;
- 2012 (g) in consultation with health care providers from a variety of health care systems,
- 2013 explore and encourage the development of telehealth services as a means of reducing health
- 2014 care costs and increasing health care quality and access, with emphasis on assisting rural health
- 2015 care providers and special populations; and
- 2016 (h) in consultation with the Utah Department of Health, advise the governor and the
- 2017 Legislature on:
- 2018 (i) the role of telehealth in the state;
- 2019 (ii) the policy issues related to telehealth;
- 2020 (iii) the changing telehealth needs and resources in the state; and
- 2021 (iv) state budgetary matters related to telehealth.
- 2022 (3) In performing the duties under Subsection (2), UETN shall:
- 2023 (a) provide services to schools, school districts, and the public and higher education
- 2024 systems through an open and competitive bidding process;
- 2025 (b) work with the private sector to deliver high-quality, cost-effective services;
- 2026 (c) avoid duplicating facilities, equipment, or services of private providers or public
- 2027 telecommunications service, as defined under Section [54-8b-2](#);
- 2028 (d) utilize statewide economic development criteria in the design and implementation
- 2029 of the educational telecommunications infrastructure; and
- 2030 (e) assure that public service entities, such as educators, public service providers, and
- 2031 public broadcasters, are provided access to the telecommunications infrastructure developed in
- 2032 the state.
- 2033 (4) The University of Utah shall provide administrative support for UETN.
- 2034 (5) (a) The Utah Education and Telehealth Network Board, which is the governing
- 2035 board for UETN, is created.
- 2036 (b) The Utah Education and Telehealth Network Board shall have 13 members as
- 2037 follows:
- 2038 (i) five members representing the state system of higher education, of which at least one
- 2039 member represents technical colleges, appointed by the commissioner of higher education;
- 2040 (ii) four members representing the state system of public education appointed by the

2041 State Board of Education;

2042 (iii) one member representing the state library appointed by the state librarian;

2043 (iv) two members representing hospitals as follows:

2044 (A) the members may not be employed by the same hospital system;

2045 (B) one member shall represent a rural hospital;

2046 (C) one member shall represent an urban hospital; and

2047 (D) the chief administrator or the administrator's designee for each hospital licensed in

2048 this state shall select the two hospital representatives; and

2049 (v) one member representing the office of the governor, appointed by the governor.

2050 (c) When a vacancy occurs in the membership for any reason, the replacement shall be

2051 appointed for the unexpired term.

2052 (d) (i) The board shall elect a chair.

2053 (ii) The chair shall set the agenda for the board meetings.

2054 (6) A member of the board may not receive compensation or benefits for the member's

2055 service, but may receive per diem and travel expenses in accordance with:

2056 (a) Section [63A-3-106](#);

2057 (b) Section [63A-3-107](#); and

2058 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and

2059 [63A-3-107](#).

2060 (7) The board:

2061 (a) shall hire an executive director for UETN who may hire staff for UETN as

2062 permitted by the budget;

2063 (b) may terminate the executive director's employment or assignment;

2064 (c) shall determine the executive director's salary;

2065 (d) shall annually conduct a performance evaluation of the executive director;

2066 (e) shall establish policies the board determines are necessary for the operation of

2067 UETN and the administration of UETN's duties; and

2068 (f) shall advise UETN in:

2069 (i) the development and operation of a coordinated, statewide, multi-option

2070 telecommunications system to assist in the delivery of educational services and telehealth

2071 services throughout the state; and

- 2072 (ii) acquiring, producing, and distributing instructional content.
- 2073 (8) The executive director of UETN shall be an at-will employee.
- 2074 (9) UETN shall locate and maintain educational and telehealth telecommunication  
2075 infrastructure throughout the state.
- 2076 (10) Educational institutions shall manage site operations under policy established by  
2077 UETN.
- 2078 (11) Subject to future budget constraints, the Legislature shall provide an annual  
2079 appropriation to operate UETN.
- 2080 (12) If the network operated by the [~~Department~~] Division of Technology Services is  
2081 not available, UETN may provide network connections to the central administration of counties  
2082 and municipalities for the sole purpose of transferring data to a secure facility for backup and  
2083 disaster recovery.
- 2084 Section 29. Section **53C-1-201** is amended to read:
- 2085 **53C-1-201. Creation of administration -- Purpose -- Director -- Participation in**  
2086 **Risk Management Fund -- Closed meetings.**
- 2087 (1) (a) There is established within state government the School and Institutional Trust  
2088 Lands Administration.
- 2089 (b) The administration shall manage all school and institutional trust lands and assets  
2090 within the state, except as otherwise provided in Title 53C, Chapter 3, Deposit and Allocation  
2091 of Revenue from Trust Lands, and Title 53D, Chapter 1, School and Institutional Trust Fund  
2092 Management Act.
- 2093 (2) The administration is an independent state agency and not a division of any other  
2094 department.
- 2095 (3) (a) The administration is subject to the usual legislative and executive department  
2096 controls except as provided in this Subsection (3).
- 2097 (b) (i) The director may make rules as approved by the board that allow the  
2098 administration to classify a business proposal submitted to the administration as protected  
2099 under Section [63G-2-305](#), for as long as is necessary to evaluate the proposal.
- 2100 (ii) The administration shall return the proposal to the party who submitted the  
2101 proposal, and incur no further duties under Title 63G, Chapter 2, Government Records Access  
2102 and Management Act, if the administration determines not to proceed with the proposal.

2103 (iii) The administration shall classify the proposal pursuant to law if the administration  
2104 decides to proceed with the proposal.

2105 (iv) Section [63G-2-403](#) does not apply during the review period.

2106 (c) The director shall make rules in compliance with Title 63G, Chapter 3, Utah  
2107 Administrative Rulemaking Act, except that the administration is not subject to Subsections  
2108 [63G-3-301](#)(5), (6), (7), and (13) and Section [63G-3-601](#), and the director, with the board's  
2109 approval, may establish a procedure for the expedited approval of rules, based on written  
2110 findings by the director showing:

2111 (i) the changes in business opportunities affecting the assets of the trust;

2112 (ii) the specific business opportunity arising out of those changes which may be lost  
2113 without the rule or changes to the rule;

2114 (iii) the reasons the normal procedures under Section [63G-3-301](#) cannot be met without  
2115 causing the loss of the specific opportunity;

2116 (iv) approval by at least five board members; and

2117 (v) that the director has filed a copy of the rule and a rule analysis, stating the specific  
2118 reasons and justifications for the director's findings, with the Office of Administrative Rules  
2119 and notified interested parties as provided in Subsection [63G-3-301](#)(10).

2120 (d) (i) The administration shall comply with Title ~~[67]~~ [63A](#), Chapter ~~[19]~~ [17](#), Utah  
2121 State Personnel Management Act, except as provided in this Subsection (3)(d).

2122 (ii) (A) The board may approve, upon recommendation of the director, that exemption  
2123 for specific positions under Subsections ~~[67-19-12(2) and 67-19-15(1)]~~ [63A-17-301](#)(1) and  
2124 [63A-17-307](#)(2) is required in order to enable the administration to efficiently fulfill the  
2125 administration's responsibilities under the law.

2126 (B) The director shall consult with the ~~[executive]~~ director of the ~~[Department]~~  
2127 Division of Human Resource Management before making a recommendation under Subsection  
2128 (3)(d)(ii)(A).

2129 (iii) The positions of director, deputy director, associate director, assistant director,  
2130 legal counsel appointed under Section [53C-1-305](#), administrative assistant, and public affairs  
2131 officer are exempt under Subsections ~~[67-19-12(2) and 67-19-15(1)]~~ [63A-17-301](#)(1) and  
2132 [63A-17-307](#)(2).

2133 (iv) (A) The director shall set salaries for exempted positions, except for the director,

2134 after consultation with the [executive] director of the [Department] Division of Human  
2135 Resource Management, within ranges approved by the board.

2136 (B) The board and director shall consider salaries for similar positions in private  
2137 enterprise and other public employment when setting salary ranges.

2138 (v) The board may create an annual incentive and bonus plan for the director and other  
2139 administration employees designated by the board, based upon the attainment of financial  
2140 performance goals and other measurable criteria defined and budgeted in advance by the board.

2141 (e) The administration shall comply with:

2142 (i) subject to Subsection (8), Title 52, Chapter 4, Open and Public Meetings Act;

2143 (ii) Title 63G, Chapter 2, Government Records Access and Management Act; and

2144 (iii) Title 63G, Chapter 6a, Utah Procurement Code, except where the board approves,  
2145 upon recommendation of the director, exemption from the Utah Procurement Code, and  
2146 simultaneous adoption of rules under Title 63G, Chapter 3, Utah Administrative Rulemaking  
2147 Act, for procurement, that enable the administration to efficiently fulfill the administration's  
2148 responsibilities under the law.

2149 (f) (i) Except as provided in Subsection (3)(f)(ii), the administration is not subject to  
2150 the fee agency requirements of Section [63J-1-504](#).

2151 (ii) The following fees of the administration are subject to Section [63J-1-504](#):

2152 (A) application;

2153 (B) assignment;

2154 (C) amendment;

2155 (D) affidavit for lost documents;

2156 (E) name change;

2157 (F) reinstatement;

2158 (G) grazing nonuse;

2159 (H) extension of time;

2160 (I) partial conveyance;

2161 (J) patent reissue;

2162 (K) collateral assignment;

2163 (L) electronic payment; and

2164 (M) processing.

2165 (g) (i) Notwithstanding Subsection 63J-1-206(2)(c), the administration may transfer  
2166 money between the administration's line items.

2167 (ii) Before transferring appropriated money between line items, the administration shall  
2168 submit a proposal to the board for the board's approval.

2169 (iii) If the board gives approval to a proposal to transfer appropriated money between  
2170 line items, the administration shall submit the proposal to the Legislative Executive  
2171 Appropriations Committee for the Legislative Executive Appropriations Committee's review  
2172 and recommendations.

2173 (iv) The Legislative Executive Appropriations Committee may recommend:

2174 (A) that the administration transfer the appropriated money between line items;

2175 (B) that the administration not transfer the appropriated money between line items; or

2176 (C) to the governor that the governor call a special session of the Legislature to

2177 supplement the appropriated budget for the administration.

2178 (4) The administration is managed by a director of school and institutional trust lands  
2179 appointed by a majority vote of the board of trustees with the consent of the governor.

2180 (5) (a) The board of trustees shall provide policies for the management of the  
2181 administration and for the management of trust lands and assets.

2182 (b) (i) The board shall provide policies for the ownership and control of Native  
2183 American remains that are discovered or excavated on school and institutional trust lands in  
2184 consultation with the Division of Indian Affairs and giving due consideration to Title 9,  
2185 Chapter 9, Part 4, Native American Grave Protection and Repatriation Act.

2186 (ii) The director may make rules in accordance with Title 63G, Chapter 3, Utah  
2187 Administrative Rulemaking Act, to implement policies provided by the board regarding Native  
2188 American remains.

2189 (6) In connection with joint ventures and other transactions involving trust lands and  
2190 minerals approved under Sections 53C-1-303 and 53C-2-401, the administration, with board  
2191 approval, may become a member of a limited liability company under Title 48, Chapter 3a,  
2192 Utah Revised Uniform Limited Liability Company Act, as appropriate pursuant to Section  
2193 48-3a-1405 and is considered a person under Section 48-3a-102.

2194 (7) Subject to Subsection 63E-1-304(2), the administration may participate in coverage  
2195 under the Risk Management Fund created by Section 63A-4-201.

2196 (8) (a) Notwithstanding Subsection (3), Subsection 52-4-204(2) or 52-4-205(1), and in  
2197 addition to the reasons to close a meeting under Section 52-4-205, the board may hold a closed  
2198 meeting if two-thirds of the members present when a quorum is present vote to close the  
2199 meeting for the purpose of:

2200 (i) conducting a strategy session to discuss market conditions relevant to the sale of  
2201 particular trust assets if the terms of the sale of any trust assets are publicly disclosed before the  
2202 board approves the sale and a public discussion would:

2203 (A) disclose the appraisal or estimated value of the trust assets under consideration; or

2204 (B) prevent the board from completing a contemplated transaction concerning the trust  
2205 assets on the best possible terms; or

2206 (ii) conducting a strategy session to evaluate the terms of a joint venture or other  
2207 business arrangement authorized under Subsection 53C-1-303(3)(e) if the terms of the joint  
2208 venture or other business arrangement are publicly disclosed before the board approves the  
2209 transaction and a public discussion of the transaction would:

2210 (A) disclose the appraisal or estimated value of the trust assets under consideration; or

2211 (B) prevent the board from completing the transaction concerning the joint venture or  
2212 other business arrangement on the best possible terms.

2213 (b) The board shall comply with the procedural requirements for closing a meeting  
2214 under Title 52, Chapter 4, Open and Public Meetings Act.

2215 Section 30. Section 53D-1-103 is amended to read:

2216 **53D-1-103. Application of other law.**

2217 (1) The office, board, and nominating committee are subject to:

2218 (a) Title 52, Chapter 4, Open and Public Meetings Act; and

2219 (b) Title 63A, Chapter 1, Part 2, Utah Public Finance Website.

2220 (2) Subject to Subsection 63E-1-304(2), the office may participate in coverage under  
2221 the Risk Management Fund, created in Section 63A-4-201.

2222 (3) The office and board are subject to:

2223 (a) Title 63G, Chapter 2, Government Records Access and Management Act, except  
2224 for records relating to investment activities; and

2225 (b) Title 63G, Chapter 6a, Utah Procurement Code.

2226 (4) (a) In making rules under this chapter, the director is subject to and shall comply

2227 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, except as provided in  
2228 Subsection (4)(b).

2229 (b) Subsections [63G-3-301](#)(6) and (7) and Section [63G-3-601](#) do not apply to the  
2230 director's making of rules under this chapter.

2231 (5) Title 63G, Chapter 7, Governmental Immunity Act of Utah, applies to a board  
2232 member to the same extent as it applies to an employee, as defined in Section [63G-7-102](#).

2233 (6) (a) A board member, the director, and an office employee or agent are subject to:

2234 (i) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act; and

2235 (ii) other requirements that the board establishes.

2236 (b) In addition to any restrictions or requirements imposed under Subsection (6)(a), a  
2237 board member, the director, and an office employee or agent may not directly or indirectly  
2238 acquire an interest in the trust fund or receive any direct benefit from any transaction dealing  
2239 with trust fund money.

2240 (7) (a) Except as provided in Subsection (7)(b), the office shall comply with Title ~~[67]~~  
2241 [63A](#), Chapter ~~[19]~~ [17](#), Utah State Personnel Management Act.

2242 (b) (i) Upon a recommendation from the director after the director's consultation with  
2243 the ~~[executive]~~ director of the ~~[Department]~~ Division of Human Resource Management, the  
2244 board may provide that specified positions in the office are exempt from Section ~~[67-19-12]~~  
2245 [63A-17-307](#) and the career service provisions of Title ~~[67]~~ [63A](#), Chapter ~~[19]~~ [17](#), Utah State  
2246 Personnel Management Act, as provided in Subsection ~~[67-19-15]~~ [63A-17-301](#)(1), if the board  
2247 determines that exemption is required for the office to fulfill efficiently its responsibilities  
2248 under this chapter.

2249 (ii) The director position is exempt from Section ~~[67-19-12]~~ [63A-17-307](#) and the career  
2250 service provisions of Title ~~[67]~~ [63A](#), Chapter ~~[19]~~ [17](#), Utah State Personnel Management Act,  
2251 as provided in Subsection ~~[67-19-15]~~ [63A-17-301](#)(1).

2252 (iii) (A) After consultation with the ~~[executive]~~ director of the ~~[Department]~~ Division  
2253 of Human Resource Management, the director shall set salaries for positions that are exempted  
2254 under Subsection (7)(b)(i), within ranges that the board approves.

2255 (B) In approving salary ranges for positions that are exempted under Subsection  
2256 (7)(b)(i), the board shall consider salaries for similar positions in private enterprise and other  
2257 public employment.

2258 (8) The office is subject to legislative appropriation, to executive branch budgetary  
2259 review and recommendation, and to legislative and executive branch review.

2260 Section 31. Section **53E-8-301** is amended to read:

2261 **53E-8-301. Educators exempt from Division of Human Resource Management**  
2262 **rules -- Collective bargaining agreement.**

2263 (1) Educators employed by the Utah Schools for the Deaf and the Blind are exempt  
2264 from mandatory compliance with rules of the [~~Department~~] Division of Human Resource  
2265 Management.

2266 (2) The state board may enter into a collective bargaining agreement to establish  
2267 compensation and other personnel policies with educators employed by the Utah Schools for  
2268 the Deaf and the Blind to replace rules of the [~~Department~~] Division of Human Resource  
2269 Management.

2270 (3) A collective bargaining agreement made under Subsection (2) is subject to the same  
2271 requirements that are imposed on local school boards by Section [53G-11-202](#).

2272 Section 32. Section **54-1-6** is amended to read:

2273 **54-1-6. Employment of staff -- Status and compensation -- Employees not to be**  
2274 **parties or witnesses and may not appeal commission decisions.**

2275 (1) The annual budget of the Public Service Commission shall provide sufficient funds  
2276 for the commission to hire, develop, and organize an advisory staff to assist the commission in  
2277 performing the powers, duties, and functions committed to it by statute.

2278 (a) The commission may hire:

2279 (i) economists, accountants, engineers, statisticians, lawyers, law clerks, and other  
2280 professional and technical experts;

2281 (ii) court reporters, transcribers of tape recordings, clerks, secretaries, and other  
2282 administrative and support staff;

2283 (iii) additional experts as required for a particular matter; and

2284 (iv) administrative law judges, who shall be members of the Utah State Bar, and  
2285 constitute a separate organizational unit reporting directly to the commission.

2286 (b) The commission may provide for funds in the annual budget to acquire suitable  
2287 electronic recording equipment to maintain a verbatim record of proceedings before the  
2288 commission, any commissioner, or any administrative law judge.

2289 (2) (a) With the exception of clerical workers in nonconfidential positions, all staff of  
2290 the Public Service Commission are exempt employees under the State Personnel Management  
2291 Act and serve at the pleasure of the commission.

2292 (b) Administrative law judges are exempt employees under the State Personnel  
2293 Management Act and may only be removed from office upon due notice and by a unanimous  
2294 vote of the commission.

2295 (c) (i) The [~~Department~~] Division of Human Resource Management shall determine  
2296 pay schedules using standard techniques for determining compensation.

2297 (ii) The [~~Department~~] Division of Human Resource Management may make [~~its~~] the  
2298 division's compensation determinations based upon compensation practices common to utility  
2299 companies throughout the United States.

2300 (3) (a) The staff or other employees of the commission may not appear as parties or  
2301 witnesses in any proceeding before the commission, any commissioner, or any administrative  
2302 law judge.

2303 (b) The staff or other employees of the commission may not appeal any finding, order,  
2304 or decision of the commission.

2305 Section 33. Section **54-4a-3** is amended to read:

2306 **54-4a-3. Budget of division -- Employment of personnel.**

2307 (1) The annual budget of the Division of Public Utilities shall provide sufficient funds  
2308 for the division to hire, develop, and organize a technical and professional staff to perform the  
2309 duties, powers, and responsibilities committed to it by statute.

2310 (2) The division director may:

2311 (a) hire economists, accountants, engineers, inspectors, statisticians, lawyers, law  
2312 clerks, and other technical and professional experts as may be required;

2313 (b) retain additional experts as required for a particular matter, but only to the extent  
2314 that it is necessary to supplement division staff in order to fulfill its duties; and

2315 (c) employ necessary administrative and support staff.

2316 (3) (a) The [~~Department~~] Division of Human Resource Management shall determine  
2317 pay schedules using standard techniques for determining compensation.

2318 (b) The [~~Department~~] Division of Human Resource Management may make [~~its~~] the  
2319 division's compensation determinations based upon compensation common to utility

2320 companies throughout the United States.

2321 Section 34. Section **61-1-18** is amended to read:

2322 **61-1-18. Division of Securities established -- Director -- Investigators.**

2323 (1) (a) There is established within the Department of Commerce a Division of  
2324 Securities.

2325 (b) The division is under the direction and control of a director. The executive director  
2326 shall appoint the director with the governor's approval.

2327 (c) Subject to Section [61-1-18.5](#), the division shall administer and enforce this chapter.

2328 (d) The director shall hold office at the pleasure of the governor.

2329 (2) The director, with the approval of the executive director, may employ the staff  
2330 necessary to discharge the duties of the division or commission at salaries to be fixed by the  
2331 director according to standards established by the [~~Department~~] Division of Human Resource  
2332 Management.

2333 (3) An investigator employed pursuant to Subsection (2) who meets the training  
2334 requirements of Subsection [53-13-105](#)(3) may be designated a special function officer, as  
2335 defined in Section [53-13-105](#), by the director, but is not eligible for retirement benefits under  
2336 the Public Safety Employee's Retirement System.

2337 Section 35. Section **61-2-201** is amended to read:

2338 **61-2-201. Division of Real Estate created -- Director appointed -- Personnel.**

2339 (1) There is created within the department a Division of Real Estate. The division is  
2340 responsible for the administration and enforcement of:

2341 (a) this chapter;

2342 (b) Title 57, Chapter 11, Utah Uniform Land Sales Practices Act;

2343 (c) Title 57, Chapter 19, Timeshare and Camp Resort Act;

2344 (d) Title 57, Chapter 23, Real Estate Cooperative Marketing Act;

2345 (e) Title 57, Chapter 29, Undivided Fractionalized Long-term Estate Sales Practices  
2346 Act;

2347 (f) Chapter 2c, Utah Residential Mortgage Practices and Licensing Act;

2348 (g) Chapter 2e, Appraisal Management Company Registration and Regulation Act;

2349 (h) Chapter 2f, Real Estate Licensing and Practices Act; and

2350 (i) Chapter 2g, Real Estate Appraiser Licensing and Certification Act.

2351 (2) The division is under the direction and control of a director appointed by the  
2352 executive director of the department with the approval of the governor. The director holds the  
2353 office of director at the pleasure of the governor.

2354 (3) The director, with the approval of the executive director, may employ personnel  
2355 necessary to discharge the duties of the division at salaries to be fixed by the director according  
2356 to standards established by the [~~Department of Administrative Services~~] Division of Human  
2357 Resource Management.

2358 Section 36. Section **62A-1-121** is amended to read:

2359 **62A-1-121. Tracking effects of abuse of alcoholic products.**

2360 (1) There is created a committee within the department known as the "Alcohol Abuse  
2361 Tracking Committee" that consists of:

2362 (a) the executive director or the executive director's designee;

2363 (b) the executive director of the Department of Health or that executive director's  
2364 designee;

2365 (c) the commissioner of the Department of Public Safety or the commissioner's  
2366 designee;

2367 (d) the director of the Department of Alcoholic Beverage Control or that director's  
2368 designee;

2369 (e) the executive director of the Department of Workforce Services or that executive  
2370 director's designee;

2371 (f) the chair of the Utah Substance Use and Mental Health Advisory Council or the  
2372 chair's designee;

2373 (g) the state court administrator or the state court administrator's designee; and

2374 (h) the [~~executive~~] director of the [~~Department~~] Division of Technology Services or  
2375 that [~~executive~~] director's designee.

2376 (2) The executive director or the executive director's designee shall chair the  
2377 committee.

2378 (3) (a) Four members of the committee constitute a quorum.

2379 (b) A vote of the majority of the committee members present when a quorum is present  
2380 is an action of the committee.

2381 (4) The committee shall meet at the call of the chair, except that the chair shall call a

2382 meeting at least twice a year:

2383 (a) with one meeting held each year to develop the report required under Subsection  
2384 (7); and

2385 (b) with one meeting held to review and finalize the report before the report is issued.

2386 (5) The committee may adopt additional procedures or requirements for:

2387 (a) voting, when there is a tie of the committee members;

2388 (b) how meetings are to be called; and

2389 (c) the frequency of meetings.

2390 (6) The committee shall establish a process to collect for each calendar year the  
2391 following information:

2392 (a) the number of individuals statewide who are convicted of, plead guilty to, plead no  
2393 contest to, plead guilty in a similar manner to, or resolve by diversion or its equivalent to a  
2394 violation related to underage drinking of alcohol;

2395 (b) the number of individuals statewide who are convicted of, plead guilty to, plead no  
2396 contest to, plead guilty in a similar manner to, or resolve by diversion or its equivalent to a  
2397 violation related to driving under the influence of alcohol;

2398 (c) the number of violations statewide of Title 32B, Alcoholic Beverage Control Act,  
2399 related to over-serving or over-consumption of an alcoholic product;

2400 (d) the cost of social services provided by the state related to abuse of alcohol,  
2401 including services provided by the Division of Child and Family Services;

2402 (e) the location where the alcoholic products that result in the violations or costs  
2403 described in Subsections (6)(a) through (d) are obtained; and

2404 (f) any information the committee determines can be collected and relates to the abuse  
2405 of alcoholic products.

2406 (7) The committee shall report the information collected under Subsection (6) annually  
2407 to the governor and the Legislature by no later than the July 1 immediately following the  
2408 calendar year for which the information is collected.

2409 Section 37. Section **62A-1-122** is amended to read:

2410 **62A-1-122. Child pornography.**

2411 (1) As used in this section:

2412 (a) "Child pornography" means the same as that term is defined in Section [76-5b-103](#).

2413 (b) "Secure" means to prevent and prohibit access, electronic upload, transmission, or  
2414 transfer of an image.

2415 (2) The department or a division within the department may not retain child  
2416 pornography longer than is necessary to comply with the requirements of this section.

2417 (3) When the department or a division within the department obtains child  
2418 pornography as a result of an employee unlawfully viewing child pornography, the department  
2419 or division shall consult with and follow the guidance of the [~~Department~~] Division of Human  
2420 Resource Management regarding personnel action and local law enforcement regarding  
2421 retention of the child pornography.

2422 (4) When the department or a division within the department obtains child  
2423 pornography as a result of a report or an investigation, the department or division shall  
2424 immediately secure the child pornography, or the electronic device if the child pornography is  
2425 digital, and contact the law enforcement office that has jurisdiction over the area where the  
2426 division's case is located.

2427 Section 38. Section **62A-15-613** is amended to read:

2428 **62A-15-613. Appointment of superintendent -- Qualifications -- Powers and**  
2429 **responsibilities.**

2430 (1) The director, with the consent of the executive director, shall appoint a  
2431 superintendent of the state hospital, who shall hold office at the will of the director.

2432 (2) The superintendent shall have a bachelor's degree from an accredited university or  
2433 college, be experienced in administration, and be knowledgeable in matters concerning mental  
2434 health.

2435 (3) The superintendent has general responsibility for the buildings, grounds, and  
2436 property of the state hospital. The superintendent shall appoint, with the approval of the  
2437 director, as many employees as necessary for the efficient and economical care and  
2438 management of the state hospital, and shall fix the employees' compensation and administer  
2439 personnel functions according to the standards of the [~~Department~~] Division of Human  
2440 Resource Management.

2441 Section 39. Section **63A-1-101** is amended to read:

2442 **TITLE 63A. UTAH GOVERNMENT OPERATIONS CODE**

2443 **CHAPTER 1. DEPARTMENT OF GOVERNMENT OPERATIONS**

2444 **63A-1-101. Title.**

2445 (1) This title is known as the "Utah [~~Administrative Services~~] Government Operations  
2446 Code."

2447 (2) This chapter is known as "Department of Government Operations."

2448 Section 40. Section **63A-1-102** is amended to read:

2449 **63A-1-102. Purposes.**

2450 The department shall:

2451 (1) provide specialized agency support services commonly needed;

2452 (2) provide effective, coordinated management of state [~~administrative~~] government  
2453 operations services;

2454 (3) serve the public interest by providing services in a cost-effective and efficient  
2455 manner, eliminating unnecessary duplication;

2456 (4) enable administrators to respond effectively to technological improvements;

2457 (5) emphasize the service role of state administrative service agencies in meeting the  
2458 service needs of user agencies;

2459 (6) use flexibility in meeting the service needs of state agencies; and

2460 (7) protect the public interest by [~~insuring~~] ensuring the integrity of the fiscal  
2461 accounting procedures and policies that govern the operation of agencies and institutions to  
2462 assure that funds are expended properly and lawfully.

2463 Section 41. Section **63A-1-103** is amended to read:

2464 **63A-1-103. Definitions.**

2465 As used in this title:

2466 (1) "Agency" means a board, commission, institution, department, division, officer,  
2467 council, office, committee, bureau, or other administrative unit of the state, including the  
2468 agency head, agency employees, or other persons acting on behalf of or under the authority of  
2469 the agency head, the Legislature, the courts, or the governor, but does not mean a political  
2470 subdivision of the state, or any administrative unit of a political subdivision of the state.

2471 (2) "Department" means the Department of [~~Administrative Services~~] Government  
2472 Operations.

2473 (3) "Executive director" means the executive director of the Department of  
2474 [~~Administrative Services~~] Government Operations.

2475 Section 42. Section **63A-1-104** is amended to read:

2476 **63A-1-104. Creation of department.**

2477 There is created within state government the Department of [~~Administrative Services~~  
2478 Government Operations], to be administered by an executive director.

2479 Section 43. Section **63A-1-109** is amended to read:

2480 **63A-1-109. Divisions of department -- Administration.**

2481 (1) The department [~~shall be~~] is composed of:

2482 (a) the following divisions:

2483 [~~(i) archives and records;~~]

2484 [~~(ii) facilities construction and management;~~]

2485 [~~(iii) finance;~~]

2486 [~~(iv) fleet operations;~~]

2487 [~~(v) state purchasing and general services; and~~]

2488 [~~(vi) risk management; and~~]

2489 [~~(b) the Office of Administrative Rules;~~]

2490 (i) the Division of Purchasing and General Services, created in Section [63A-2-101](#);

2491 (ii) the Division of Finance, created in Section [63A-3-101](#);

2492 (iii) the Division of Facilities Construction and Management, created in Section

2493 [63A-5b-301](#);

2494 (iv) the Division of Fleet Operations, created in Section [63A-9-201](#);

2495 (v) the Division of Archives and Records Service, created in Section [63A-12-101](#);

2496 (vi) the Division of Technology Services, created in Section [63A-16-103](#);

2497 (vii) the Division of Human Resource Management, created in Section [63A-17-105](#);

2498 and

2499 (viii) the Division of Risk Management, created in Section [63A-4-101](#); and

2500 (b) the Utah Office of Administrative Rules, created in Section [63G-3-401](#).

2501 (2) Each division described in Subsection (1)(a) shall be administered and managed by  
2502 a division director.

2503 Section 44. Section **63A-1-114** is amended to read:

2504 **63A-1-114. Rate committee -- Membership -- Duties.**

2505 (1) (a) There is created a rate committee consisting of the executive directors,

2506 commissioners, or superintendents of seven state agencies, which may include the State Board  
2507 of Education, that use services and pay rates to one of the department internal service funds, or  
2508 their designee, that the governor appoints for a two-year term.

2509 ~~[(b) (i) Of the seven state agencies represented on the rate committee under Subsection~~  
2510 ~~(1)(a), only one of the following may be represented on the committee, if at all, at any one~~  
2511 ~~time:]~~

2512 ~~[(A) the Governor's Office of Management and Budget; or]~~

2513 ~~[(B) the Department of Technology Services.]~~

2514 ~~[(ii)] (b) The department may not have a representative on the rate committee.~~

2515 (c) (i) The committee shall elect a chair from ~~[its]~~ the committee's members.

2516 (ii) Members of the committee who are state government employees and who do not  
2517 receive salary, per diem, or expenses from their agency for their service on the committee shall  
2518 receive no compensation, benefits, per diem, or expenses for the members' service on the  
2519 committee.

2520 (d) The ~~[Department of Administrative Services]~~ department shall provide staff  
2521 services to the committee.

2522 (2) (a) A division described in Section [63A-1-109](#) that manages an internal service  
2523 fund shall submit to the committee a proposed rate and fee schedule for services rendered by  
2524 the division to an executive branch entity or an entity that subscribes to services rendered by  
2525 the division.

2526 (b) The committee shall:

2527 (i) conduct meetings in accordance with Title 52, Chapter 4, Open and Public Meetings  
2528 Act;

2529 (ii) meet at least once each calendar year to:

2530 (A) discuss the service performance of each internal service fund;

2531 (B) review the proposed rate and fee schedules;

2532 (C) at the rate committee's discretion, approve, increase, or decrease the rate and fee  
2533 schedules described in Subsection (2)(b)(ii)(B); and

2534 (D) discuss any prior or potential adjustments to the service level received by state  
2535 agencies that pay rates to an internal service fund;

2536 (iii) recommend a proposed rate and fee schedule for each internal service fund to:

- 2537 (A) the Governor's Office of Management and Budget; and
- 2538 (B) each legislative appropriations subcommittee that, in accordance with Section
- 2539 63J-1-410, approves the internal service fund agency's rates, fees, and budget; and
- 2540 (iv) review and approve, increase or decrease an interim rate, fee, or amount when an
- 2541 internal service fund agency begins a new service or introduces a new product between annual
- 2542 general sessions of the Legislature.
- 2543 (c) The committee may in accordance with Subsection 63J-1-410(4), decrease a rate,
- 2544 fee, or amount that has been approved by the Legislature.
- 2545 Section 45. Section 63A-1-201 is amended to read:
- 2546 **63A-1-201. Definitions.**
- 2547 As used in this part:
- 2548 (1) "Board" means the Utah Transparency Advisory Board created under Section
- 2549 63A-1-203.
- 2550 [~~(2)~~] "Department" means the Department of Administrative Services.]
- 2551 [~~(3)~~] (2) (a) "Independent entity," except as provided in Subsection [~~(3)~~] (2)(c), means
- 2552 the same as that term is defined in Section 63E-1-102.
- 2553 (b) "Independent entity" includes an entity that is part of an independent entity
- 2554 described in this Subsection [~~(3)~~] (2), if the entity is considered a component unit of the
- 2555 independent entity under the governmental accounting standards issued by the Governmental
- 2556 Accounting Standards Board.
- 2557 (c) "Independent entity" does not include the Utah State Retirement Office created in
- 2558 Section 49-11-201.
- 2559 [~~(4)~~] (3) "Participating local entity" means each of the following local entities:
- 2560 (a) a county;
- 2561 (b) a municipality;
- 2562 (c) a local district under Title 17B, Limited Purpose Local Government Entities - Local
- 2563 Districts;
- 2564 (d) a special service district under Title 17D, Chapter 1, Special Service District Act;
- 2565 (e) a housing authority under Title 35A, Chapter 8, Part 4, Housing Authorities;
- 2566 (f) a school district;
- 2567 (g) a charter school;

- 2568 (h) except for a taxed interlocal entity as defined in Section 11-13-602:
- 2569 (i) an interlocal entity as defined in Section 11-13-103;
- 2570 (ii) a joint or cooperative undertaking as defined in Section 11-13-103; and
- 2571 (iii) any project, program, or undertaking entered into by interlocal agreement in
- 2572 accordance with Title 11, Chapter 13, Interlocal Cooperation Act;
- 2573 (i) except for a taxed interlocal entity as defined in Section 11-13-602, an entity that is
- 2574 part of an entity described in Subsections ~~[(4)]~~ (3)(a) through (h), if the entity is considered a
- 2575 component unit of the entity described in Subsections ~~[(4)]~~ (3)(a) through (h) under the
- 2576 governmental accounting standards issued by the Governmental Accounting Standards Board;
- 2577 and
- 2578 (j) a conservation district under Title 17D, Chapter 3, Conservation District Act.
- 2579 ~~[(5)]~~ (4) (a) "Participating state entity" means the state of Utah, including its executive,
- 2580 legislative, and judicial branches, its departments, divisions, agencies, boards, commissions,
- 2581 councils, committees, and institutions.
- 2582 (b) "Participating state entity" includes an entity that is part of an entity described in
- 2583 Subsection ~~[(5)]~~ (4)(a), if the entity is considered a component unit of the entity described in
- 2584 Subsection ~~[(5)]~~ (4)(a) under the governmental accounting standards issued by the
- 2585 Governmental Accounting Standards Board.
- 2586 ~~[(6)]~~ (5) "Public financial information" means records that are required to be made
- 2587 available on the Utah Public Finance Website, a participating local entity's website, or an
- 2588 independent entity's website as required by this part, and as the term "public financial
- 2589 information" is defined by rule under Section 63A-1-204.
- 2590 Section 46. Section 63A-1-203 is amended to read:
- 2591 **63A-1-203. Utah Transparency Advisory Board -- Creation -- Membership --**
- 2592 **Duties.**
- 2593 (1) There is created within the department the Utah Transparency Advisory Board
- 2594 comprised of members knowledgeable about public finance or providing public access to
- 2595 public information.
- 2596 (2) The board consists of:
- 2597 (a) the state auditor or the state auditor's designee;
- 2598 (b) an individual appointed by the executive director of the department;

- 2599 (c) an individual appointed by the executive director of the Governor's Office of  
2600 Management and Budget;
- 2601 (d) an individual appointed by the governor on advice from the Legislative Fiscal  
2602 Analyst;
- 2603 (e) one member of the Senate, appointed by the governor on advice from the president  
2604 of the Senate;
- 2605 (f) one member of the House of Representatives, appointed by the governor on advice  
2606 from the speaker of the House of Representatives;
- 2607 (g) an individual appointed by the director of the [~~Department~~] Division of Technology  
2608 Services;
- 2609 (h) the director of the Division of Archives and Records Service created in Section  
2610 [63A-12-101](#) or the director's designee;
- 2611 (i) an individual who is a member of the State Records Committee created in Section  
2612 [63G-2-501](#), appointed by the governor;
- 2613 (j) an individual representing counties, appointed by the governor;
- 2614 (k) an individual representing municipalities, appointed by the governor;
- 2615 (l) an individual representing special districts, appointed by the governor;
- 2616 (m) an individual representing the State Board of Education, appointed by the State  
2617 Board of Education; and
- 2618 (n) one individual who is a member of the public and who has knowledge, expertise, or  
2619 experience in matters relating to the board's duties under Subsection (10), appointed by the  
2620 board members identified in Subsections (2)(a) through (m).
- 2621 (3) The board shall:
- 2622 (a) advise the state auditor and the department on matters related to the implementation  
2623 and administration of this part;
- 2624 (b) develop plans, make recommendations, and assist in implementing the provisions  
2625 of this part;
- 2626 (c) determine what public financial information shall be provided by a participating  
2627 state entity, independent entity, and participating local entity, if the public financial  
2628 information:
- 2629 (i) only includes records that:

2630 (A) are classified as public under Title 63G, Chapter 2, Government Records Access  
2631 and Management Act, or, subject to any specific limitations and requirements regarding the  
2632 provision of financial information from the entity described in Section 63A-1-202, if an entity  
2633 is exempt from Title 63G, Chapter 2, Government Records Access and Management Act,  
2634 records that would normally be classified as public if the entity were not exempt from Title  
2635 63G, Chapter 2, Government Records Access and Management Act;

2636 (B) are an accounting of money, funds, accounts, bonds, loans, expenditures, or  
2637 revenues, regardless of the source; and

2638 (C) are owned, held, or administered by the participating state entity, independent  
2639 entity, or participating local entity that is required to provide the record; and

2640 (ii) is of the type or nature that should be accessible to the public via a website based  
2641 on considerations of:

2642 (A) the cost effectiveness of providing the information;

2643 (B) the value of providing the information to the public; and

2644 (C) privacy and security considerations;

2645 (d) evaluate the cost effectiveness of implementing specific information resources and  
2646 features on the website;

2647 (e) require participating local entities to provide public financial information in  
2648 accordance with the requirements of this part, with a specified content, reporting frequency,  
2649 and form;

2650 (f) require an independent entity's website or a participating local entity's website to be  
2651 accessible by link or other direct route from the Utah Public Finance Website if the  
2652 independent entity or participating local entity does not use the Utah Public Finance Website;

2653 (g) determine the search methods and the search criteria that shall be made available to  
2654 the public as part of a website used by an independent entity or a participating local entity  
2655 under the requirements of this part, which criteria may include:

2656 (i) fiscal year;

2657 (ii) expenditure type;

2658 (iii) name of the agency;

2659 (iv) payee;

2660 (v) date; and

- 2661 (vi) amount; and
- 2662 (h) analyze ways to improve the information on the Utah Public Finance Website so
- 2663 the information is more relevant to citizens, including through the use of:
- 2664 (i) infographics that provide more context to the data; and
- 2665 (ii) geolocation services, if possible.
- 2666 (4) Every two years, the board shall elect a chair and a vice chair from its members.
- 2667 (5) (a) Each member shall serve a four-year term.
- 2668 (b) When a vacancy occurs in the membership for any reason, the replacement shall be
- 2669 appointed for a four-year term.
- 2670 (6) To accomplish its duties, the board shall meet as it determines necessary.
- 2671 (7) Reasonable notice shall be given to each member of the board before any meeting.
- 2672 (8) A majority of the board constitutes a quorum for the transaction of business.
- 2673 (9) (a) A member who is not a legislator may not receive compensation or benefits for
- 2674 the member's service, but may receive per diem and travel expenses as allowed in:
- 2675 (i) Section [63A-3-106](#);
- 2676 (ii) Section [63A-3-107](#); and
- 2677 (iii) rules made by the Division of Finance according to Sections [63A-3-106](#) and
- 2678 [63A-3-107](#).
- 2679 (b) Compensation and expenses of a member who is a legislator are governed by
- 2680 Section [36-2-2](#) and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.
- 2681 (10) (a) As used in Subsections (10) and (11):
- 2682 (i) "Information website" means a single Internet website containing public information
- 2683 or links to public information.
- 2684 (ii) "Public information" means records of state government, local government, or an
- 2685 independent entity that are classified as public under Title 63G, Chapter 2, Government
- 2686 Records Access and Management Act, or, subject to any specific limitations and requirements
- 2687 regarding the provision of financial information from the entity described in Section
- 2688 [63A-1-202](#), if an entity is exempt from Title 63G, Chapter 2, Government Records Access and
- 2689 Management Act, records that would normally be classified as public if the entity were not
- 2690 exempt from Title 63G, Chapter 2, Government Records Access and Management Act.
- 2691 (b) The board shall:

2692 (i) study the establishment of an information website and develop recommendations for  
2693 its establishment;

2694 (ii) develop recommendations about how to make public information more readily  
2695 available to the public through the information website;

2696 (iii) develop standards to make uniform the format and accessibility of public  
2697 information posted to the information website; and

2698 (iv) identify and prioritize public information in the possession of a state agency or  
2699 political subdivision that may be appropriate for publication on the information website.

2700 (c) In fulfilling its duties under Subsection (10)(b), the board shall be guided by  
2701 principles that encourage:

2702 (i) (A) the establishment of a standardized format of public information that makes the  
2703 information more easily accessible by the public;

2704 (B) the removal of restrictions on the reuse of public information;

2705 (C) minimizing limitations on the disclosure of public information while appropriately  
2706 safeguarding sensitive information; and

2707 (D) balancing factors in favor of excluding public information from an information  
2708 website against the public interest in having the information accessible on an information  
2709 website;

2710 (ii) (A) permanent, lasting, open access to public information; and

2711 (B) the publication of bulk public information;

2712 (iii) the implementation of well-designed public information systems that ensure data  
2713 quality, create a public, comprehensive list or index of public information, and define a process  
2714 for continuous publication of and updates to public information;

2715 (iv) the identification of public information not currently made available online and the  
2716 implementation of a process, including a timeline and benchmarks, for making that public  
2717 information available online; and

2718 (v) accountability on the part of those who create, maintain, manage, or store public  
2719 information or post it to an information website.

2720 (d) The department shall implement the board's recommendations, including the  
2721 establishment of an information website, to the extent that implementation:

2722 (i) is approved by the Legislative Management Committee;

- 2723 (ii) does not require further legislative appropriation; and  
2724 (iii) is within the department's existing statutory authority.
- 2725 (11) The department shall, in consultation with the board and as funding allows,  
2726 modify the information website described in Subsection (10) to:
- 2727 (a) by January 1, 2015, serve as a point of access for Government Records Access and  
2728 Management requests for executive agencies;
- 2729 (b) by January 1, 2016, serve as a point of access for Government Records Access and  
2730 Management requests for:
- 2731 (i) school districts;  
2732 (ii) charter schools;  
2733 (iii) public transit districts created under Title 17B, Chapter 2a, Part 8, Public Transit  
2734 District Act;
- 2735 (iv) counties; and  
2736 (v) municipalities;
- 2737 (c) by January 1, 2017, serve as a point of access for Government Records Access and  
2738 Management requests for:
- 2739 (i) local districts under Title 17B, Limited Purpose Local Government Entities - Local  
2740 Districts; and
- 2741 (ii) special service districts under Title 17D, Chapter 1, Special Service District Act;
- 2742 (d) except as provided in Subsection (12)(a), provide link capabilities to other existing  
2743 repositories of public information, including maps, photograph collections, legislatively  
2744 required reports, election data, statute, rules, regulations, and local ordinances that exist on  
2745 other agency and political subdivision websites;
- 2746 (e) provide multiple download options in different formats, including nonproprietary,  
2747 open formats where possible;
- 2748 (f) provide any other public information that the board, under Subsection (10),  
2749 identifies as appropriate for publication on the information website; and
- 2750 (g) incorporate technical elements the board identifies as useful to a citizen using the  
2751 information website.
- 2752 (12) (a) The department, in consultation with the board, shall establish by rule any  
2753 restrictions on the inclusion of maps and photographs, as described in Subsection (11)(d), on

2754 the website described in Subsection (10) if the inclusion would pose a potential security  
2755 concern.

2756 (b) The website described in Subsection (10) may not publish any record that is  
2757 classified as private, protected, or controlled under Title 63G, Chapter 2, Government Records  
2758 Access and Management Act.

2759 Section 47. Section **63A-2-101** is amended to read:

2760 **63A-2-101. Creation.**

2761 There is created the Division of Purchasing and General Services within the  
2762 [~~Department of Administrative Services~~] department.

2763 Section 48. Section **63A-4-101** is amended to read:

2764 **63A-4-101. Risk manager -- Appointment -- Duties.**

2765 (1) (a) There is created within the department the Division of Risk Management.

2766 (b) The executive director shall, with the approval of the governor, appoint a risk  
2767 manager as the division director, who shall be qualified by education and experience in the  
2768 management of general property and casualty insurance.

2769 (2) The risk manager shall:

2770 (a) acquire and administer the following purchased by the state:

2771 (i) all property, casualty insurance; and

2772 (ii) subject to Section [34A-2-203](#), workers' compensation insurance;

2773 (b) recommend that the executive director make rules:

2774 (i) prescribing reasonable and objective underwriting and risk control standards for  
2775 state agencies;

2776 (ii) prescribing the risks to be covered by the Risk Management Fund and the extent to  
2777 which these risks will be covered;

2778 (iii) prescribing the properties, risks, deductibles, and amount limits eligible for  
2779 payment out of the fund;

2780 (iv) prescribing procedures for making claims and proof of loss; and

2781 (v) establishing procedures for the resolution of disputes relating to coverage or claims,  
2782 which may include binding arbitration;

2783 (c) implement a risk management and loss prevention program for state agencies for  
2784 the purpose of reducing risks, accidents, and losses to assist state officers and employees in

2785 fulfilling their responsibilities for risk control and safety;

2786 (d) coordinate and cooperate with any state agency having responsibility to manage and  
2787 protect state properties, including:

2788 (i) the state fire marshal;

2789 (ii) the director of the Division of Facilities Construction and Management;

2790 (iii) the Department of Public Safety; and

2791 (iv) institutions of higher education;

2792 (e) maintain records necessary to fulfill the requirements of this section;

2793 (f) manage the fund in accordance with economically and actuarially sound principles  
2794 to produce adequate reserves for the payment of contingencies, including unpaid and  
2795 unreported claims, and may purchase any insurance or reinsurance considered necessary to  
2796 accomplish this objective; and

2797 (g) inform the agency's governing body and the governor when any agency fails or  
2798 refuses to comply with reasonable risk control recommendations made by the risk manager.

2799 (3) Before the effective date of any rule, the risk manager shall provide a copy of the  
2800 rule to each agency affected by it.

2801 Section 49. Section **63A-5b-202** is amended to read:

2802 **63A-5b-202. State Building Board powers and duties.**

2803 (1) The board may, in accordance with Title 63G, Chapter 3, Utah Administrative  
2804 Rulemaking Act, make rules that are necessary to discharge the board's duties.

2805 (2) The board shall:

2806 (a) review and approve agency master plans of structures built or contemplated;

2807 (b) submit capital development recommendations and priorities to the Legislature as  
2808 ~~set forth~~ described in Section [63A-5b-402](#);

2809 (c) submit recommendations for dedicated projects and prioritize nondedicated projects  
2810 as provided in Section [63A-5b-403](#);

2811 (d) make a finding that the requirements of Section [53B-2a-112](#) are met before the  
2812 board may consider a funding request from the UTech board pertaining to new capital facilities  
2813 and land purchases; and

2814 (e) fulfill the board's responsibilities under:

2815 (i) Section [63A-5b-802](#), relating to the approval of leases with terms of more than 10

2816 years;

2817 (ii) Section 63A-5b-907, relating to vacant division-owned property; and

2818 (iii) Section 63A-5b-1003, relating to the approval of loans from the state facility  
2819 energy efficiency fund.

2820 (3) The board may:

2821 (a) authorize capital development projects without Legislative approval only as  
2822 authorized in Section 63A-5b-404; and

2823 (b) make rules relating to the categorical delegation of projects as provided in  
2824 Subsection 63A-5b-604(4).

2825 Section 50. Section 63A-9-101 is amended to read:

2826 **63A-9-101. Definitions.**

2827 As used in this part:

2828 (1) (a) "Agency" means each department, commission, board, council, agency,  
2829 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,  
2830 unit, bureau, panel, or other administrative unit of the state.

2831 (b) "Agency" includes the State Board of Education and each higher education  
2832 institution described in Section 53B-1-102.

2833 (c) "Agency" includes the legislative and judicial branches.

2834 (2) "Committee" means the Motor Vehicle Review Committee created by this chapter.

2835 (3) "Director" means the director of the division.

2836 (4) "Division" means the Division of Fleet Operations created by this chapter.

2837 (5) "Executive director" means the executive director of the Department of

2838 [~~Administrative Services~~] Government Operations.

2839 (6) "Local agency" means:

2840 (a) a county;

2841 (b) a municipality;

2842 (c) a school district;

2843 (d) a local district;

2844 (e) a special service district;

2845 (f) an interlocal entity as defined under Section 11-13-103; or

2846 (g) any other political subdivision of the state, including a local commission, board, or

2847 other governmental entity that is vested with the authority to make decisions regarding the  
2848 public's business.

2849 (7) (a) "Motor vehicle" means a self-propelled vehicle capable of carrying passengers.

2850 (b) "Motor vehicle" includes vehicles used for construction and other nontransportation  
2851 purposes.

2852 (8) "State vehicle" means each motor vehicle owned, operated, or in the possession of  
2853 an agency.

2854 Section 51. Section **63A-9-201** is amended to read:

2855 **63A-9-201. Creation.**

2856 (1) There is created the Division of Fleet Operations within the [~~Department of~~  
2857 ~~Administrative Services~~] department.

2858 (2) The division of fleet operations is an internal service fund agency and its financial  
2859 affairs shall be accounted for as an internal service fund.

2860 Section 52. Section **63A-9-301** is amended to read:

2861 **63A-9-301. Motor Vehicle Review Committee -- Composition.**

2862 (1) There is created a Motor Vehicle Review Committee to advise the division.

2863 (2) The committee shall be composed of nine members as follows:

2864 (a) the executive director of the [~~Department of Administrative Services~~] department or  
2865 the director's designee;

2866 (b) a member from a state agency other than higher education, the Department of  
2867 Transportation, the Department of Public Safety, or the Department of Natural Resources, who  
2868 uses the division's services;

2869 (c) the director of the Division of Purchasing and General Services or the director's  
2870 designee;

2871 (d) one member from:

2872 (i) higher education, designated annually by the executive director of the Department  
2873 of [~~Administrative Services~~] Government Operations;

2874 (ii) the Department of Transportation, designated annually by the executive director of  
2875 the Department of [~~Administrative Services~~] Government Operations;

2876 (iii) the Department of Public Safety, designated annually by the executive director of  
2877 the Department of [~~Administrative Services~~] Government Operations; and

2878 (iv) the Department of Natural Resources, designated annually by the executive  
2879 director of the Department of [~~Administrative Services~~] Government Operations; and

2880 (e) two public members with experience in fleet operations and maintenance appointed  
2881 by the governor.

2882 (3) (a) Except as required by Subsection (3)(b), the governor shall appoint each public  
2883 member to a four-year term.

2884 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the  
2885 time of appointment, adjust the length of terms to ensure that the terms of public members are  
2886 staggered so that one of the public members is appointed every two years.

2887 (c) When a vacancy occurs in the membership for any reason, the replacement shall be  
2888 appointed for the unexpired term.

2889 (4) A member may not receive compensation or benefits for the member's service, but  
2890 may receive per diem and travel expenses in accordance with:

2891 (a) Section [63A-3-106](#);

2892 (b) Section [63A-3-107](#); and

2893 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
2894 [63A-3-107](#).

2895 (5) Five members of the committee are a quorum.

2896 (6) The executive director of the Department of [~~Administrative Services~~] Government  
2897 Operations is chair of the committee.

2898 Section 53. Section **63A-9-401** is amended to read:

2899 **63A-9-401. Division -- Duties.**

2900 (1) The division shall:

2901 (a) perform all administrative duties and functions related to management of state  
2902 vehicles;

2903 (b) coordinate all purchases of state vehicles;

2904 (c) establish one or more fleet automation and information systems for state vehicles;

2905 (d) make rules establishing requirements for:

2906 (i) maintenance operations for state vehicles;

2907 (ii) use requirements for state vehicles;

2908 (iii) fleet safety and loss prevention programs;

- 2909 (iv) preventative maintenance programs;
- 2910 (v) procurement of state vehicles, including:
- 2911 (A) vehicle standards;
- 2912 (B) alternative fuel vehicle requirements;
- 2913 (C) short-term lease programs;
- 2914 (D) equipment installation; and
- 2915 (E) warranty recovery programs;
- 2916 (vi) fuel management programs;
- 2917 (vii) cost management programs;
- 2918 (viii) business and personal use practices, including commute standards;
- 2919 (ix) cost recovery and billing procedures;
- 2920 (x) disposal of state vehicles;
- 2921 (xi) reassignment of state vehicles and reallocation of vehicles throughout the fleet;
- 2922 (xii) standard use and rate structures for state vehicles; and
- 2923 (xiii) insurance and risk management requirements;
- 2924 (e) establish a parts inventory;
- 2925 (f) create and administer a fuel dispensing services program that meets the
- 2926 requirements of Subsection (2);
- 2927 (g) emphasize customer service when dealing with agencies and agency employees;
- 2928 (h) conduct an annual audit of all state vehicles for compliance with division
- 2929 requirements;
- 2930 (i) before charging a rate, fee, or other amount to an executive branch agency, or to a
- 2931 subscriber of services other than an executive branch agency:
- 2932 (i) submit the proposed rates, fees, and cost analysis to the Rate Committee established
- 2933 in Section [63A-1-114](#); and
- 2934 (ii) obtain the approval of the Legislature as required by Section [63J-1-410](#); and
- 2935 (j) conduct an annual market analysis of proposed rates and fees, which analysis shall
- 2936 include a comparison of the division's rates and fees with the fees of other public or private
- 2937 sector providers where comparable services and rates are reasonably available.
- 2938 (2) The division shall operate a fuel dispensing services program in a manner that:
- 2939 (a) reduces the risk of environmental damage and subsequent liability for leaks

- 2940 involving state-owned underground storage tanks;
- 2941 (b) eliminates fuel site duplication and reduces overall costs associated with fuel
- 2942 dispensing;
- 2943 (c) provides efficient fuel management and efficient and accurate accounting of
- 2944 fuel-related expenses;
- 2945 (d) where practicable, privatizes portions of the state's fuel dispensing system;
- 2946 (e) provides central planning for fuel contingencies;
- 2947 (f) establishes fuel dispensing sites that meet geographical distribution needs and that
- 2948 reflect usage patterns;
- 2949 (g) where practicable, uses alternative sources of energy; and
- 2950 (h) provides safe, accessible fuel supplies in an emergency.
- 2951 (3) The division shall:
- 2952 (a) ensure that the state and each of its agencies comply with state and federal law and
- 2953 state and federal rules and regulations governing underground storage tanks;
- 2954 (b) coordinate the installation of new state-owned underground storage tanks and the
- 2955 upgrading or retrofitting of existing underground storage tanks;
- 2956 (c) by no later than June 30, 2025, ensure that an underground storage tank qualifies for
- 2957 a rebate, provided under Subsection 19-6-410.5(5)(d), of a portion of the environmental
- 2958 assurance fee described in Subsection 19-6-410.5(4), if the underground storage tank is owned
- 2959 by:
- 2960 (i) the state;
- 2961 (ii) a state agency; or
- 2962 (iii) a county, municipality, school district, local district, special service district, or
- 2963 federal agency that has subscribed to the fuel dispensing service provided by the division under
- 2964 Subsection (6)(b);
- 2965 (d) report to the Natural Resources, Agriculture, and Environmental Quality
- 2966 Appropriations Subcommittee by no later than:
- 2967 (i) November 30, 2020, on the status of the requirements of Subsection (3)(c); and
- 2968 (ii) November 30, 2024, on whether:
- 2969 (A) the requirements of Subsection (3)(c) have been met; and
- 2970 (B) additional funding is needed to accomplish the requirements of Subsection (3)(c);

2971 and

2972 (e) ensure that counties, municipalities, school districts, local districts, and special  
2973 service districts subscribing to services provided by the division sign a contract that:

2974 (i) establishes the duties and responsibilities of the parties;

2975 (ii) establishes the cost for the services; and

2976 (iii) defines the liability of the parties.

2977 (4) In fulfilling the requirements of Subsection (3)(c), the division may give priority to  
2978 underground storage tanks owned by the state or a state agency under Subsections (3)(c)(i) and

2979 (ii).

2980 (5) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
2981 the director of the Division of Fleet Operations:

2982 (i) may make rules governing fuel dispensing; and

2983 (ii) shall make rules establishing standards and procedures for purchasing the most  
2984 economically appropriate size and type of vehicle for the purposes and driving conditions for

2985 which the vehicle will be used, including procedures for granting exceptions to the standards  
2986 by the executive director of the Department of [~~Administrative Services~~] Government

2987 Operations.

2988 (b) Rules made under Subsection (5)(a)(ii):

2989 (i) shall designate a standard vehicle size and type that shall be designated as the  
2990 statewide standard vehicle for fleet expansion and vehicle replacement;

2991 (ii) may designate different standard vehicle size and types based on defined categories  
2992 of vehicle use;

2993 (iii) may, when determining a standard vehicle size and type for a specific category of  
2994 vehicle use, consider the following factors affecting the vehicle class:

2995 (A) size requirements;

2996 (B) economic savings;

2997 (C) fuel efficiency;

2998 (D) driving and use requirements;

2999 (E) safety;

3000 (F) maintenance requirements;

3001 (G) resale value; and

3002 (H) the requirements of Section 63A-9-403; and  
3003 (iv) shall require agencies that request a vehicle size and type that is different from the  
3004 standard vehicle size and type to:

3005 (A) submit a written request for a nonstandard vehicle to the division that contains the  
3006 following:

3007 (I) the make and model of the vehicle requested, including acceptable alternate vehicle  
3008 makes and models as applicable;

3009 (II) the reasons justifying the need for a nonstandard vehicle size or type;

3010 (III) the date of the request; and

3011 (IV) the name and signature of the person making the request; and

3012 (B) obtain the division's written approval for the nonstandard vehicle.

3013 (6) (a) (i) Each state agency and each higher education institution shall subscribe to the  
3014 fuel dispensing services provided by the division.

3015 (ii) A state agency may not provide or subscribe to any other fuel dispensing services,  
3016 systems, or products other than those provided by the division.

3017 (b) Counties, municipalities, school districts, local districts, special service districts,  
3018 and federal agencies may subscribe to the fuel dispensing services provided by the division if:

3019 (i) the county or municipal legislative body, the school district, or the local district or  
3020 special service district board recommends that the county, municipality, school district, local  
3021 district, or special service district subscribe to the fuel dispensing services of the division; and

3022 (ii) the division approves participation in the program by that government unit.

3023 (7) The director, with the approval of the executive director, may delegate functions to  
3024 institutions of higher education, by contract or other means authorized by law, if:

3025 (a) the agency or institution of higher education has requested the authority;

3026 (b) in the judgment of the director, the state agency or institution has the necessary  
3027 resources and skills to perform the delegated responsibilities; and

3028 (c) the delegation of authority is in the best interest of the state and the function  
3029 delegated is accomplished according to provisions contained in law or rule.

3030 Section 54. Section 63A-9-501 is amended to read:

3031 **63A-9-501. Complaints about misuse or illegal operation of state vehicles --**

3032 **Disposition.**

3033 (1) The division shall refer complaints from the public about misuse or illegal  
3034 operation of state vehicles to the agency that is the owner or lessor of the vehicle.

3035 (2) Each agency head or his designee shall investigate all complaints about misuse or  
3036 illegal operation of state vehicles and shall discipline each employee that is found to have  
3037 misused or illegally operated a vehicle by following the procedures set forth in the rules  
3038 adopted by the [~~Department~~] Division of Human Resource Management as authorized by  
3039 Section [~~67-19-18~~] 63A-17-306.

3040 (3) (a) Each agency shall report the findings of each investigation conducted as well as  
3041 any action taken as a result of the investigation to the directors of the Divisions of Fleet  
3042 Operations and Risk Management.

3043 (b) Misuse or illegal operation of state vehicles may result in suspension or revocation  
3044 of state vehicle driving privileges as governed in rule.

3045 Section 55. Section **63A-12-101** is amended to read:

3046 **63A-12-101. Division of Archives and Records Service created -- Duties.**

3047 (1) There is created the Division of Archives and Records Service within the  
3048 [~~Department of Administrative Services~~] department.

3049 (2) The state archives shall:

3050 (a) administer the state's archives and records management programs, including storage  
3051 of records, central microphotography programs, and quality control;

3052 (b) apply fair, efficient, and economical management methods to the collection,  
3053 creation, use, maintenance, retention, preservation, disclosure, and disposal of records and  
3054 documents;

3055 (c) establish standards, procedures, and techniques for the effective management and  
3056 physical care of records;

3057 (d) conduct surveys of office operations and recommend improvements in current  
3058 records management practices, including the use of space, equipment, automation, and supplies  
3059 used in creating, maintaining, storing, and servicing records;

3060 (e) establish standards for the preparation of schedules providing for the retention of  
3061 records of continuing value and for the prompt and orderly disposal of state records no longer  
3062 possessing sufficient administrative, historical, legal, or fiscal value to warrant further  
3063 retention;

- 3064 (f) establish, maintain, and operate centralized microphotography lab facilities and  
3065 quality control for the state;
- 3066 (g) provide staff and support services to the Records Management Committee created  
3067 in Section [63A-12-112](#) and the State Records Committee created in Section [63G-2-501](#);
- 3068 (h) develop training programs to assist records officers and other interested officers and  
3069 employees of governmental entities to administer this chapter and Title 63G, Chapter 2,  
3070 Government Records Access and Management Act;
- 3071 (i) provide access to public records deposited in the archives;
- 3072 (j) administer and maintain the Utah Public Notice Website established under Section  
3073 [~~63F-1-701~~] [63A-16-601](#);
- 3074 (k) provide assistance to any governmental entity in administering this chapter and  
3075 Title 63G, Chapter 2, Government Records Access and Management Act;
- 3076 (l) prepare forms for use by all governmental entities for a person requesting access to  
3077 a record; and
- 3078 (m) if the department operates the Division of Archives and Records Service as an  
3079 internal service fund agency in accordance with Section [63A-1-109.5](#), submit to the Rate  
3080 Committee established in Section [63A-1-114](#):
- 3081 (i) the proposed rate and fee schedule as required by Section [63A-1-114](#); and  
3082 (ii) other information or analysis requested by the Rate Committee.
- 3083 (3) The state archives may:
- 3084 (a) establish a report and directives management program; and  
3085 (b) establish a forms management program.
- 3086 (4) The executive director [~~of the Department of Administrative Services~~] may direct  
3087 the state archives to administer other functions or services consistent with this chapter and Title  
3088 63G, Chapter 2, Government Records Access and Management Act.
- 3089 Section 56. Section [63A-12-102](#) is amended to read:
- 3090 **63A-12-102. State archivist -- Duties.**
- 3091 (1) With the approval of the governor, the executive director [~~of the Department of~~  
3092 ~~Administrative Services~~] shall appoint the state archivist to serve as director of the state  
3093 archives. The state archivist shall be qualified by archival training, education, and experience.
- 3094 (2) The state archivist is charged with custody of the following:

- 3095 (a) the enrolled copy of the Utah constitution;
- 3096 (b) the acts and resolutions passed by the Legislature;
- 3097 (c) all records kept or deposited with the state archivist as provided by law;
- 3098 (d) the journals of the Legislature and all bills, resolutions, memorials, petitions, and
- 3099 claims introduced in the Senate or the House of Representatives;
- 3100 (e) Indian war records; and
- 3101 (f) oaths of office of all state officials.

3102 (3) (a) The state archivist is the official custodian of all noncurrent records of  
3103 permanent or historic value that are not required by law to remain in the custody of the  
3104 originating governmental entity.

3105 (b) Upon the termination of any governmental entity, its records shall be transferred to  
3106 the state archives.

3107 Section 57. Section **63A-12-103** is amended to read:

3108 **63A-12-103. Duties of governmental entities.**

3109 The chief administrative officer of each governmental entity shall:

3110 (1) establish and maintain an active, continuing program for the economical and  
3111 efficient management of the governmental entity's records as provided by this chapter and Title  
3112 63G, Chapter 2, Government Records Access and Management Act;

3113 (2) appoint one or more records officers who will be trained to work with the state  
3114 archives in the care, maintenance, scheduling, disposal, classification, designation, access, and  
3115 preservation of records;

3116 (3) ensure that officers and employees of the governmental entity that receive or  
3117 process records requests receive required training on the procedures and requirements of this  
3118 chapter and Title 63G, Chapter 2, Government Records Access and Management Act;

3119 (4) make and maintain adequate and proper documentation of the organization,  
3120 functions, policies, decisions, procedures, and essential transactions of the governmental entity  
3121 designed to furnish information to protect the legal and financial rights of persons directly  
3122 affected by the entity's activities;

3123 (5) submit to the state archivist proposed schedules of records for final approval by the  
3124 Records Management Committee created in Section [63A-12-112](#);

3125 (6) cooperate with the state archivist in conducting surveys made by the state archivist;

- 3126 (7) comply with rules issued by the Department of [~~Administrative Services~~  
3127 Government Operations as provided by Section 63A-12-104;  
3128 (8) report to the state archives the designation of record series that it maintains;  
3129 (9) report to the state archives the classification of each record series that is classified;  
3130 and  
3131 (10) establish and report to the state archives retention schedules for objects that the  
3132 governmental entity determines are not defined as a record under Section 63G-2-103, but that  
3133 have historical or evidentiary value.

3134 Section 58. Section 63A-12-104 is amended to read:

3135 **63A-12-104. Rulemaking authority.**

3136 (1) The executive director of the [~~Department of Administrative Services~~] department,  
3137 with the recommendation of the state archivist, may make rules as provided by Title 63G,  
3138 Chapter 3, Utah Administrative Rulemaking Act, to implement provisions of this chapter and  
3139 Title 63G, Chapter 2, Government Records Access and Management Act, dealing with  
3140 procedures for the collection, storage, designation, classification, access, mediation for records  
3141 access, and management of records.

3142 (2) A governmental entity that includes divisions, boards, departments, committees,  
3143 commissions, or other subparts that fall within the definition of a governmental entity under  
3144 this chapter, may, by rule, specify at which level the requirements specified in this chapter shall  
3145 be undertaken.

3146 Section 59. Section 63A-13-201 is amended to read:

3147 **63A-13-201. Creation of office -- Inspector general -- Appointment -- Term.**

3148 (1) There is created an independent entity within the [~~Department of Administrative~~  
3149 Services] department known as the "Office of Inspector General of Medicaid Services."

3150 (2) The governor shall:

3151 (a) appoint the inspector general of Medicaid services with the advice and consent of  
3152 the Senate; and

3153 (b) establish the salary for the inspector general of Medicaid services based upon a  
3154 recommendation from the [~~Department~~] Division of Human Resource Management which shall  
3155 be based on a market salary survey conducted by the [~~Department~~] Division of Human  
3156 Resource Management.

- 3157 (3) A person appointed as the inspector general shall have the following qualifications:
- 3158 (a) a general knowledge of the type of methodology and controls necessary to audit,
- 3159 investigate, and identify fraud, waste, and abuse;
- 3160 (b) strong management skills;
- 3161 (c) extensive knowledge of performance audit methodology;
- 3162 (d) the ability to oversee and execute an audit; and
- 3163 (e) strong interpersonal skills.
- 3164 (4) The inspector general of Medicaid services:
- 3165 (a) shall serve a term of four years; and
- 3166 (b) may be removed by the governor, for cause.
- 3167 (5) If the inspector general is removed for cause, a new inspector general shall be
- 3168 appointed, with the advice and consent of the Senate, to serve the remainder of the term of the
- 3169 inspector general of Medicaid services who was removed for cause.
- 3170 (6) The Office of Inspector General of Medicaid Services:
- 3171 (a) is not under the supervision of, and does not take direction from, the executive
- 3172 director, except for administrative purposes;
- 3173 (b) shall use the legal services of the state attorney general's office;
- 3174 (c) shall submit a budget for the office directly to the [~~Department of Administrative~~
- 3175 ~~Services~~] department;
- 3176 (d) except as prohibited by federal law, is subject to:
- 3177 (i) Title 51, Chapter 5, Funds Consolidation Act;
- 3178 (ii) Title 51, Chapter 7, State Money Management Act;
- 3179 (iii) Title 63A, Utah [~~Administrative Services~~] Government Operations Code;
- 3180 (iv) Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 3181 (v) Title 63G, Chapter 4, Administrative Procedures Act;
- 3182 (vi) Title 63G, Chapter 6a, Utah Procurement Code;
- 3183 (vii) Title 63J, Chapter 1, Budgetary Procedures Act;
- 3184 (viii) Title 63J, Chapter 2, Revenue Procedures and Control Act;
- 3185 (ix) [~~Title 67, Chapter 19~~] Chapter 17, Utah State Personnel Management Act;
- 3186 (x) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act;
- 3187 (xi) Title 52, Chapter 4, Open and Public Meetings Act;

3188 (xii) Title 63G, Chapter 2, Government Records Access and Management Act; and  
 3189 (xiii) coverage under the Risk Management Fund created under Section [63A-4-201](#);  
 3190 (e) when requested, shall provide reports to the governor, the president of the Senate,  
 3191 or the speaker of the House; and  
 3192 (f) shall adopt administrative rules to establish policies for employees that are  
 3193 substantially similar to the administrative rules adopted by the [~~Department~~] Division of  
 3194 Human Resource Management.

3195 Section 60. Section **63A-16-101**, which is renumbered from Section 63F-1-101 is  
 3196 renumbered and amended to read:

3197 **CHAPTER 16. UTAH TECHNOLOGY GOVERNANCE ACT**

3198 **Part 1. General Provisions**

3199 [~~63F-1-101~~]. **63A-16-101. Title.**

3200 [(1)] This [title] chapter is known as the "Utah Technology Governance Act."

3201 [(2)] ~~This chapter is known as the "Department of Technology Services."~~

3202 Section 61. Section **63A-16-102**, which is renumbered from Section 63F-1-102 is  
 3203 renumbered and amended to read:

3204 [~~63F-1-102~~]. **63A-16-102. Definitions.**

3205 As used in this [title] chapter:

3206 (1) "Chief information officer" means the chief information officer appointed under  
 3207 Section [~~63F-1-201~~] [63A-16-201](#).

3208 (2) "Data center" means a centralized repository for the storage, management, and  
 3209 dissemination of data.

3210 (3) [~~"Department" means the Department~~] "Division" means the Division of  
 3211 Technology Services.

3212 (4) "Enterprise architecture" means:

- 3213 (a) information technology that can be applied across state government; and
- 3214 (b) support for information technology that can be applied across state government,  
 3215 including:
  - 3216 (i) technical support;
  - 3217 (ii) master software licenses; and
  - 3218 (iii) hardware and software standards.

3219 (5) (a) "Executive branch agency" means an agency or administrative subunit of state  
3220 government.

3221 (b) "Executive branch agency" does not include:

3222 (i) the legislative branch;

3223 (ii) the judicial branch;

3224 (iii) the State Board of Education;

3225 (iv) the Utah Board of Higher Education;

3226 (v) institutions of higher education;

3227 (vi) independent entities as defined in Section [63E-1-102](#); [~~and~~] or

3228 (vii) the following elective constitutional offices of the executive department [~~which~~  
3229 ~~includes~~]:

3230 (A) the state auditor;

3231 (B) the state treasurer; and

3232 (C) the attorney general.

3233 (6) "Executive branch strategic plan" means the executive branch strategic plan created  
3234 under Section [~~63F-1-203~~] [63A-16-202](#).

3235 (7) "Individual with a disability" means an individual with a condition that meets the  
3236 definition of "disability" in 42 U.S.C. Sec. 12102.

3237 (8) "Information technology" means all computerized and auxiliary automated  
3238 information handling, including:

3239 (a) systems design and analysis;

3240 (b) acquisition, storage, and conversion of data;

3241 (c) computer programming;

3242 (d) information storage and retrieval;

3243 (e) voice, video, and data communications;

3244 (f) requisite systems controls;

3245 (g) simulation; and

3246 (h) all related interactions between people and machines.

3247 (9) "State information architecture" means a logically consistent set of principles,  
3248 policies, and standards that guide the engineering of state government's information technology  
3249 and infrastructure in a way that ensures alignment with state government's business and service

3250 needs.

3251 Section 62. Section **63A-16-103**, which is renumbered from Section 63F-1-103 is  
3252 renumbered and amended to read:

3253 ~~[63F-1-103].~~ **63A-16-103. Division of Technology Services.**

3254 (1) There is created within [~~state government the Department~~] the department the  
3255 Division of Technology Services [~~which has all of the policymaking functions, regulatory and~~  
3256 ~~enforcement powers, rights, duties, and responsibilities outlined in this title~~].

3257 (2) The [~~department~~] division has authority to operate as an internal service fund  
3258 agency as provided in Section **63J-1-410**.

3259 Section 63. Section **63A-16-104**, which is renumbered from Section 63F-1-104 is  
3260 renumbered and amended to read:

3261 ~~[63F-1-104].~~ **63A-16-104. Duties of division.**

3262 The [~~department~~] division shall:

3263 (1) lead state executive branch agency efforts to establish and reengineer the state's  
3264 information technology architecture with the goal of coordinating central and individual agency  
3265 information technology in a manner that:

3266 (a) ensures compliance with the executive branch agency strategic plan; and  
3267 (b) ensures that cost-effective, efficient information and communication systems and  
3268 resources are being used by agencies to:

3269 (i) reduce data, hardware, and software redundancy;  
3270 (ii) improve system interoperability and data accessibility between agencies; and  
3271 (iii) meet the agency's and user's business and service needs;

3272 (2) coordinate an executive branch strategic plan for all agencies;

3273 (3) develop and implement processes to replicate information technology best practices  
3274 and standards throughout the executive branch;

3275 (4) at least once every odd-numbered year:

3276 (a) evaluate the adequacy of the [~~department's~~] division's and the executive branch  
3277 agencies' data and information technology system security standards through an independent  
3278 third party assessment; and

3279 (b) communicate the results of the independent third party assessment to the  
3280 appropriate executive branch agencies and to the president of the Senate and the speaker of the

3281 House of Representatives;

3282 (5) oversee the expanded use and implementation of project and contract management  
3283 principles as they relate to information technology projects within the executive branch;

3284 (6) serve as general contractor between the state's information technology users and  
3285 private sector providers of information technology products and services;

3286 (7) work toward building stronger partnering relationships with providers;

3287 (8) develop service level agreements with executive branch departments and agencies  
3288 to ensure quality products and services are delivered on schedule and within budget;

3289 (9) develop standards for application development including a standard methodology  
3290 and cost-benefit analysis that all agencies shall utilize for application development activities;

3291 (10) determine and implement statewide efforts to standardize data elements;

3292 (11) coordinate with executive branch agencies to provide basic website standards for  
3293 agencies that address common design standards and navigation standards, including:

3294 (a) accessibility for individuals with disabilities in accordance with:

3295 (i) the standards of 29 U.S.C. Sec. 794d; and

3296 (ii) Section [~~63F-1-210~~] [63A-16-209](#);

3297 (b) consistency with standardized government security standards;

3298 (c) designing around user needs with data-driven analysis influencing management and  
3299 development decisions, using qualitative and quantitative data to determine user goals, needs,  
3300 and behaviors, and continual testing of the website, web-based form, web-based application, or  
3301 digital service to ensure that user needs are addressed;

3302 (d) providing users of the website, web-based form, web-based application, or digital  
3303 service with the option for a more customized digital experience that allows users to complete  
3304 digital transactions in an efficient and accurate manner; and

3305 (e) full functionality and usability on common mobile devices;

3306 (12) consider, when making a purchase for an information system, cloud computing  
3307 options, including any security benefits, privacy, data retention risks, and cost savings  
3308 associated with cloud computing options;

3309 (13) develop systems and methodologies to review, evaluate, and prioritize existing  
3310 information technology projects within the executive branch and report to the governor and the  
3311 Public Utilities, Energy, and Technology Interim Committee in accordance with [~~63F-1-201~~]

3312 Section 63A-16-201 on a semiannual basis regarding the status of information technology  
3313 projects;

3314 (14) assist the Governor's Office of Management and Budget with the development of  
3315 information technology budgets for agencies; and

3316 (15) ensure that any training or certification required of a public official or public  
3317 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter  
3318 22, State Training and Certification Requirements, if the training or certification is required:

3319 (a) under this ~~[title]~~ chapter;

3320 (b) by the department; or

3321 (c) by ~~[an agency or division within the department]~~ the division.

3322 Section 64. Section **63A-16-105**, which is renumbered from Section 63F-1-106 is  
3323 renumbered and amended to read:

3324 ~~[63F-1-106]~~. **63A-16-105. Director -- Authority.**

3325 ~~[(1) The executive director of the department:]~~

3326 (1) The executive director shall, with the approval of the governor, appoint the  
3327 director.

3328 (2) The director:

3329 (a) shall exercise all powers given to, and perform all duties imposed on, the division;

3330 ~~[(a)]~~ (b) has administrative jurisdiction over [each office in the department and the  
3331 director of each office] the division and each office within the division;

3332 ~~[(b)]~~ (c) may make changes in [department] division personnel and [each office's]  
3333 service functions [in the divisions] under the director's administrative jurisdiction; and

3334 ~~[(c)]~~ (d) may authorize a designee to perform appropriate responsibilities.

3335 (2) The ~~[executive]~~ director may, to facilitate ~~[department]~~ division management,  
3336 establish offices and bureaus to perform division functions ~~[such as budgeting, planning, and~~  
3337 ~~personnel administration]~~.

3338 (3) (a) The ~~[executive]~~ director may hire employees in the ~~[department, divisions,]~~  
3339 division and offices of the division as permitted by ~~[department]~~ division resources.

3340 (b) Except as provided in Subsection (4), each employee of the ~~[department]~~ division is  
3341 exempt from career service or classified service status as provided in Section ~~[67-19-15]~~

3342 63A-17-301.

3343 (4) (a) An employee of an executive branch agency who was a career service employee  
 3344 as of July 1, 2005, who [is] was transferred to the division at the time it was newly created as  
 3345 the Department of Technology Services continues in the employee's career service status  
 3346 during the employee's service to the [~~Department of Technology Services~~] division if the duties  
 3347 of the position in the [~~new department~~] division are substantially similar to those in the  
 3348 employee's previous position.

3349 (b) A career service employee transferred [~~to the new department~~] under the provisions  
 3350 of Subsection (4)(a), whose duties or responsibilities subsequently change, may not be  
 3351 converted to exempt status without the review process required by Subsection [~~67-19-15~~]  
 3352 63A-17-301(3).

3353 Section 65. Section **63A-16-106**, which is renumbered from Section 63F-1-107 is  
 3354 renumbered and amended to read:

3355 ~~[63F-1-107].~~ **63A-16-106. Offices within the division -- Administration.**

3356 (1) The [~~department shall be composed of~~] division includes the following [~~divisions~~]  
 3357 offices:

- 3358 (a) the [~~Division~~] Office of Enterprise Technology;  
 3359 (b) the [~~Division~~] Office of Integrated Technology; and  
 3360 (c) the [~~Division~~] Office of Agency Services.

3361 (2) Each [~~division~~] office shall be administered and managed by a [~~division~~] director.

3362 Section 66. Section **63A-16-201**, which is renumbered from Section 63F-1-201 is  
 3363 renumbered and amended to read:

3364 **Part 2. Chief Information Officer**

3365 ~~[63F-1-201].~~ **63A-16-201. Chief information officer -- Appointment --**  
 3366 **Powers -- Reporting.**

3367 (1) The director of the [~~department~~] division shall serve as the state's chief information  
 3368 officer.

3369 (2) The chief information officer shall:

- 3370 (a) advise the governor on information technology policy; and  
 3371 (b) perform those duties given the chief information officer by statute.

3372 (3) (a) The chief information officer shall report annually to:

- 3373 (i) the governor; and

- 3374 (ii) the Public Utilities, Energy, and Technology Interim Committee.
- 3375 (b) The report required under Subsection (3)(a) shall:
- 3376 (i) summarize the state's current and projected use of information technology;
- 3377 (ii) summarize the executive branch strategic plan including a description of major
- 3378 changes in the executive branch strategic plan;
- 3379 (iii) provide a brief description of each state agency's information technology plan;
- 3380 (iv) include the status of information technology projects described in Subsection
- 3381 ~~[63F-1-104]~~ [63A-16-104](#)(11);
- 3382 (v) include the performance report described in Section ~~[63F-1-212]~~ [63A-16-211](#); and
- 3383 (vi) include the expenditure of the funds provided for electronic technology,
- 3384 equipment, and hardware.

3385 Section 67. Section **63A-16-202**, which is renumbered from Section 63F-1-203 is

3386 renumbered and amended to read:

3387 ~~[63F-1-203]~~. **63A-16-202. Executive branch information technology**

3388 **strategic plan.**

3389 (1) In accordance with this section, the chief information officer shall prepare an

3390 executive branch information technology strategic plan:

3391 (a) that complies with this chapter; and

3392 (b) that includes:

3393 (i) a strategic plan for the:

3394 (A) interchange of information related to information technology between executive

3395 branch agencies;

3396 (B) coordination between executive branch agencies in the development and

3397 maintenance of information technology and information systems, including the coordination of

3398 agency information technology plans described in Section ~~[63F-1-204]~~ [63A-16-203](#); and

3399 (C) protection of the privacy of individuals who use state information technology or

3400 information systems, including the implementation of industry best practices for data and

3401 system security;

3402 (ii) priorities for the development and implementation of information technology or

3403 information systems including priorities determined on the basis of:

3404 (A) the importance of the information technology or information system; and

3405 (B) the time sequencing of the information technology or information system; and  
3406 (iii) maximizing the use of existing state information technology resources.

3407 (2) In the development of the executive branch strategic plan, the chief information  
3408 officer shall consult with all cabinet level officials.

3409 (3) (a) Unless withdrawn by the chief information officer or the governor in accordance  
3410 with Subsection (3)(b), the executive branch strategic plan takes effect 30 days after the day on  
3411 which the executive branch strategic plan is submitted to:

3412 (i) the governor; and  
3413 (ii) the Public Utilities, Energy, and Technology Interim Committee.

3414 (b) The chief information officer or the governor may withdraw the executive branch  
3415 strategic plan submitted under Subsection (3)(a) if the governor or chief information officer  
3416 determines that the executive branch strategic plan:

3417 (i) should be modified; or  
3418 (ii) for any other reason should not take effect.

3419 (c) The Public Utilities, Energy, and Technology Interim Committee may make  
3420 recommendations to the governor and to the chief information officer if the commission  
3421 determines that the executive branch strategic plan should be modified or for any other reason  
3422 should not take effect.

3423 (d) Modifications adopted by the chief information officer shall be resubmitted to the  
3424 governor and the Public Utilities, Energy, and Technology Interim Committee for their review  
3425 or approval as provided in Subsections (3)(a) and (b).

3426 (4) (a) The chief information officer shall annually, on or before January 1, [~~2014, and~~  
3427 ~~each year thereafter,~~] modify the executive branch information technology strategic plan to  
3428 incorporate security standards that:

3429 (i) are identified as industry best practices in accordance with Subsections [~~63F-1-104~~  
3430 63A-16-104](3) and (4); and  
3431 (ii) can be implemented within the budget of the department or the executive branch  
3432 agencies.

3433 (b) The chief information officer shall inform the speaker of the House of  
3434 Representatives and the president of the Senate on or before January 1 of each year if best  
3435 practices identified in Subsection (4)(a)(i) are not adopted due to budget issues considered

3436 under Subsection (4)(a)(ii).

3437 (5) Each executive branch agency shall implement the executive branch strategic plan  
3438 by adopting an agency information technology plan in accordance with Section [~~63F-1-204~~]  
3439 [63A-16-203](#).

3440 Section 68. Section **63A-16-203**, which is renumbered from Section 63F-1-204 is  
3441 renumbered and amended to read:

3442 [~~63F-1-204~~]. **63A-16-203. Agency information technology plans.**

3443 (1) (a) [~~By~~] On or before July 1 [~~of~~] each year, each executive branch agency shall  
3444 submit an agency information technology plan to the chief information officer at the  
3445 department level, unless the governor or the chief information officer request an information  
3446 technology plan be submitted by a subunit of a department, or by an executive branch agency  
3447 other than a department.

3448 (b) The information technology plans required by this section shall be in the form and  
3449 level of detail required by the chief information officer, by administrative rule adopted in  
3450 accordance with Section [~~63F-1-206~~] [63A-16-205](#), and shall include, at least:

3451 (i) the information technology objectives of the agency;

3452 (ii) any performance measures used by the agency for implementing the agency's  
3453 information technology objectives;

3454 (iii) any planned expenditures related to information technology;

3455 (iv) the agency's need for appropriations for information technology;

3456 (v) how the agency's development of information technology coordinates with other  
3457 state and local governmental entities;

3458 (vi) any efforts the agency has taken to develop public and private partnerships to  
3459 accomplish the information technology objectives of the agency;

3460 (vii) the efforts the executive branch agency has taken to conduct transactions  
3461 electronically in compliance with Section [46-4-503](#); and

3462 (viii) the executive branch agency's plan for the timing and method of verifying the  
3463 department's security standards, if an agency intends to verify the department's security  
3464 standards for the data that the agency maintains or transmits through the department's servers.

3465 (2) (a) Except as provided in Subsection (2)(b), an agency information technology plan  
3466 described in Subsection (1) shall comply with the executive branch strategic plan established in

3467 accordance with Section [~~63F-1-203~~] [63A-16-202](#).

3468 (b) If the executive branch agency submitting the agency information technology plan  
3469 justifies the need to depart from the executive branch strategic plan, an agency information  
3470 technology plan may depart from the executive branch strategic plan to the extent approved by  
3471 the chief information officer.

3472 (3) The chief information officer shall review each agency plan to determine:

3473 (a) (i) whether the agency plan complies with the executive branch strategic plan and  
3474 state information architecture; or

3475 (ii) to the extent that the agency plan does not comply with the executive branch  
3476 strategic plan or state information architecture, whether the executive branch entity is justified  
3477 in departing from the executive branch strategic plan, or state information architecture; and

3478 (b) whether the agency plan meets the information technology and other needs of:

3479 (i) the executive branch agency submitting the plan; and

3480 (ii) the state.

3481 (4) After the chief information officer conducts the review described in Subsection (3)  
3482 of an agency information technology plan, the chief information officer may:

3483 (a) approve the agency information technology plan;

3484 (b) disapprove the agency information technology plan; or

3485 (c) recommend modifications to the agency information technology plan.

3486 (5) An executive branch agency or the department may not submit a request for  
3487 appropriation related to information technology or an information technology system to the  
3488 governor in accordance with Section [63J-1-201](#) until after the executive branch agency's  
3489 information technology plan is approved by the chief information officer.

3490 Section 69. Section [63A-16-204](#), which is renumbered from Section 63F-1-205 is  
3491 renumbered and amended to read:

3492 [~~63F-1-205~~]. [63A-16-204](#). **Approval of acquisitions of information**  
3493 **technology.**

3494 (1) (a) In accordance with Subsection (2), the chief information officer shall approve  
3495 the acquisition by an executive branch agency of:

3496 (i) information technology equipment;

3497 (ii) telecommunications equipment;

- 3498 (iii) software;
- 3499 (iv) services related to the items listed in Subsections (1)(a)(i) through (iii); and
- 3500 (v) data acquisition.
- 3501 (b) The chief information officer may negotiate the purchase, lease, or rental of private
- 3502 or public information technology or telecommunication services or facilities in accordance with
- 3503 this section.
- 3504 (c) Where practical, efficient, and economically beneficial, the chief information
- 3505 officer shall use existing private and public information technology or telecommunication
- 3506 resources.
- 3507 (d) Notwithstanding another provision of this section, an acquisition authorized by this
- 3508 section shall comply with rules made by the applicable rulemaking authority under Title 63G,
- 3509 Chapter 6a, Utah Procurement Code.
- 3510 (2) Before negotiating a purchase, lease, or rental under Subsection (1) for an amount
- 3511 that exceeds the value established by the chief information officer by rule in accordance with
- 3512 Section [~~63F-1-206~~] [63A-16-205](#), the chief information officer shall:
- 3513 (a) conduct an analysis of the needs of executive branch agencies and subscribers of
- 3514 services and the ability of the proposed information technology or telecommunications services
- 3515 or supplies to meet those needs; and
- 3516 (b) for purchases, leases, or rentals not covered by an existing statewide contract,
- 3517 certify in writing to the chief procurement officer in the Division of Purchasing and General
- 3518 Services that:
- 3519 (i) the analysis required in Subsection (2)(a) was completed; and
- 3520 (ii) based on the analysis, the proposed purchase, lease, rental, or master contract of
- 3521 services, products, or supplies is practical, efficient, and economically beneficial to the state
- 3522 and the executive branch agency or subscriber of services.
- 3523 (3) In approving an acquisition described in Subsections (1) and (2), the chief
- 3524 information officer shall:
- 3525 (a) establish by administrative rule, in accordance with Section [~~63F-1-206~~]
- 3526 [63A-16-205](#), standards under which an agency must obtain approval from the chief information
- 3527 officer before acquiring the items listed in Subsections (1) and (2);
- 3528 (b) for those acquisitions requiring approval, determine whether the acquisition is in

3529 compliance with:

3530 (i) the executive branch strategic plan;

3531 (ii) the applicable agency information technology plan;

3532 (iii) the budget for the executive branch agency or department as adopted by the

3533 Legislature;

3534 (iv) Title 63G, Chapter 6a, Utah Procurement Code; and

3535 (v) the information technology accessibility standards described in Section [~~63F-1-210~~]

3536 [63A-16-209](#); and

3537 (c) in accordance with Section [~~63F-1-207~~] [63A-16-206](#), require coordination of

3538 acquisitions between two or more executive branch agencies if it is in the best interests of the

3539 state.

3540 (4) Each executive branch agency shall provide the chief information officer with

3541 complete access to all information technology records, documents, and reports:

3542 (a) at the request of the chief information officer; and

3543 (b) related to the executive branch agency's acquisition of any item listed in Subsection

3544 (1).

3545 (5) (a) In accordance with administrative rules established by the department under

3546 Section [~~63F-1-206~~] [63A-16-205](#), an executive branch agency and the department may not

3547 initiate a new technology project unless the technology project is described in a formal project

3548 plan and a business case analysis is approved by the chief information officer and the highest

3549 ranking executive branch agency official.

3550 (b) The project plan and business case analysis required by this Subsection (5) shall

3551 include:

3552 (i) a statement of work to be done and existing work to be modified or displaced;

3553 (ii) total cost of system development and conversion effort, including system analysis

3554 and programming costs, establishment of master files, testing, documentation, special

3555 equipment cost and all other costs, including overhead;

3556 (iii) savings or added operating costs that will result after conversion;

3557 (iv) other advantages or reasons that justify the work;

3558 (v) source of funding of the work, including ongoing costs;

3559 (vi) consistency with budget submissions and planning components of budgets; and

3560 (vii) whether the work is within the scope of projects or initiatives envisioned when the  
3561 current fiscal year budget was approved.

3562 (c) The chief information officer shall determine the required form of the project plan  
3563 and business case analysis described in this Subsection (5).

3564 (6) The chief information officer and the Division of Purchasing and General Services  
3565 within the [~~Department of Administrative Services~~] department shall work cooperatively to  
3566 establish procedures under which the chief information officer shall monitor and approve  
3567 acquisitions as provided in this section.

3568 Section 70. Section **63A-16-205**, which is renumbered from Section 63F-1-206 is  
3569 renumbered and amended to read:

3570 ~~[63F-1-206]~~. **63A-16-205. Rulemaking -- Policies.**

3571 (1) (a) Except as provided in Subsection (2), the chief information officer shall, by rule  
3572 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:

3573 (i) provide standards that impose requirements on executive branch agencies that:

3574 (A) are related to the security of the statewide area network; and

3575 (B) establish standards for when an agency must obtain approval before obtaining  
3576 items listed in Subsection [~~63F-1-205~~] 63A-16-204(1);

3577 (ii) specify the detail and format required in an agency information technology plan  
3578 submitted in accordance with Section [~~63F-1-204~~] 63A-16-203;

3579 (iii) provide for standards related to the privacy policies of websites operated by or on  
3580 behalf of an executive branch agency;

3581 (iv) provide for the acquisition, licensing, and sale of computer software;

3582 (v) specify the requirements for the project plan and business case analysis required by  
3583 Section [~~63F-1-205~~] 63A-16-204;

3584 (vi) provide for project oversight of agency technology projects when required by  
3585 Section [~~63F-1-205~~] 63A-16-204;

3586 (vii) establish, in accordance with Subsection [~~63F-1-205~~] 63A-16-204(2), the  
3587 implementation of the needs assessment for information technology purchases;

3588 (viii) establish telecommunications standards and specifications in accordance with  
3589 Section [~~63F-1-404~~] 63A-16-403; and

3590 (ix) establish standards for accessibility of information technology by individuals with

3591 disabilities in accordance with Section [~~63F-1-210~~] [63A-16-209](#).

3592 (b) The rulemaking authority granted by this Subsection (1) is in addition to any other  
3593 rulemaking authority granted [~~by this title~~] under this chapter.

3594 (2) (a) Notwithstanding Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
3595 and subject to Subsection (2)(b), the chief information officer may adopt a policy that outlines  
3596 procedures to be followed by the chief information officer in facilitating the implementation of  
3597 this title by executive branch agencies if the policy:

3598 (i) is consistent with the executive branch strategic plan; and

3599 (ii) is not required to be made by rule under Subsection (1) or Section [63G-3-201](#).

3600 (b) (i) A policy adopted by the chief information officer under Subsection (2)(a) may  
3601 not take effect until 30 days after the day on which the chief information officer submits the  
3602 policy to:

3603 (A) the governor; and

3604 (B) all cabinet level officials.

3605 (ii) During the 30-day period described in Subsection (2)(b)(i), cabinet level officials  
3606 may review and comment on a policy submitted under Subsection (2)(b)(i).

3607 (3) (a) Notwithstanding Subsection (1) or (2) or Title 63G, Chapter 3, Utah  
3608 Administrative Rulemaking Act, without following the procedures of Subsection (1) or (2), the  
3609 chief information officer may adopt a security procedure to be followed by executive branch  
3610 agencies to protect the statewide area network if:

3611 (i) broad communication of the security procedure would create a significant potential  
3612 for increasing the vulnerability of the statewide area network to breach or attack; and

3613 (ii) after consultation with the chief information officer, the governor agrees that broad  
3614 communication of the security procedure would create a significant potential increase in the  
3615 vulnerability of the statewide area network to breach or attack.

3616 (b) A security procedure described in Subsection (3)(a) is classified as a protected  
3617 record under Title 63G, Chapter 2, Government Records Access and Management Act.

3618 (c) The chief information officer shall provide a copy of the security procedure as a  
3619 protected record to:

3620 (i) the chief justice of the Utah Supreme Court for the judicial branch;

3621 (ii) the speaker of the House of Representatives and the president of the Senate for the

3622 legislative branch;

3623 (iii) the chair of the Utah Board of Higher Education; and

3624 (iv) the chair of the State Board of Education.

3625 Section 71. Section **63A-16-206**, which is renumbered from Section 63F-1-207 is

3626 renumbered and amended to read:

3627 ~~[63F-1-207]~~. **63A-16-206. Coordination within the executive branch --**

3628 **Cooperation with other branches.**

3629 (1) In accordance with the executive branch strategic plan and the requirements of this  
3630 title, the chief information officer shall coordinate the development of information technology  
3631 systems between two or more executive branch agencies subject to:

3632 (a) the budget approved by the Legislature; and

3633 (b) Title 63J, Chapter 1, Budgetary Procedures Act.

3634 (2) In addition to the coordination described in Subsection (1), the chief information  
3635 officer shall promote cooperation regarding information technology between branches of state  
3636 government.

3637 Section 72. Section **63A-16-207**, which is renumbered from Section 63F-1-208 is

3638 renumbered and amended to read:

3639 ~~[63F-1-208]~~. **63A-16-207. Delegation of department functions.**

3640 (1) (a) If the conditions of Subsections (1)(b) and (2) are met and subject to the other  
3641 provisions of this section, the chief information officer may delegate a function of the  
3642 ~~[department]~~ division to another executive branch agency or an institution of higher education  
3643 by contract or other means authorized by law.

3644 (b) The chief information officer may delegate a function of the ~~[department]~~ division  
3645 as provided in Subsection (1)(a) if in the judgment of the director of the executive branch  
3646 agency and the chief information officer:

3647 (i) the executive branch agency or institution of higher education has requested that the  
3648 function be delegated;

3649 (ii) the executive branch agency or institution of higher education has the necessary  
3650 resources and skills to perform or control the function to be delegated; and

3651 (iii) the function to be delegated is a unique or mission-critical function of the agency  
3652 or institution of higher education.

3653 (2) The chief information officer may delegate a function of the [~~department~~] division  
3654 only when the delegation results in net cost savings or improved service delivery to the state as  
3655 a whole or to the unique mission critical function of the executive branch agency.

3656 (3) The delegation of a function under this section shall:

3657 (a) be in writing;

3658 (b) contain all of the following:

3659 (i) a precise definition of each function to be delegated;

3660 (ii) a clear description of the standards to be met in performing each function

3661 delegated;

3662 (iii) a provision for periodic administrative audits by the [~~department~~] division;

3663 (iv) a date on which the agreement shall terminate if the agreement has not been  
3664 previously terminated or renewed; and

3665 (v) any delegation of [~~department~~] division staff to the agency to support the function  
3666 in-house with the agency and rates to be charged for the delegated staff; and

3667 (c) include a cost-benefit analysis justifying the delegation.

3668 (4) An agreement to delegate functions to an executive branch agency or an institution  
3669 of higher education may be terminated by the [~~department~~] division if the results of an  
3670 administrative audit conducted by the [~~department~~] division reveals a lack of compliance with  
3671 the terms of the agreement by the executive branch agency or institution of higher education.

3672 Section 73. Section **63A-16-208**, which is renumbered from Section 63F-1-209 is  
3673 renumbered and amended to read:

3674 **~~[63F-1-209].~~ 63A-16-208. Delegation of division staff to executive branch**  
3675 **agencies -- Prohibition against executive branch agency information technology staff.**

3676 (1) (a) The chief information officer shall assign [~~department~~] division staff to serve an  
3677 agency in-house if the chief information officer and the executive branch agency director  
3678 jointly determine it is appropriate to provide information technology services to:

3679 (i) the agency's unique mission-critical functions and applications;

3680 (ii) the agency's participation in and use of statewide enterprise architecture; and

3681 (iii) the agency's use of coordinated technology services with other agencies that share  
3682 similar characteristics with the agency.

3683 (b) (i) An agency may request the chief information officer to assign in-house staff

3684 support from the ~~[department]~~ division.

3685 (ii) The chief information officer shall respond to the agency's request for in-house  
3686 staff support in accordance with Subsection (1)(a).

3687 (c) The ~~[department]~~ division shall enter into service agreements with an agency when  
3688 ~~[department]~~ division staff is assigned in-house to the agency under the provisions of this  
3689 section.

3690 (d) An agency that receives in-house staff support assigned from the ~~[department]~~  
3691 division under the provision of this section is responsible for paying the rates charged by the  
3692 ~~[department]~~ division for that staff as established under Section ~~[63F-1-301]~~ 63A-16-301.

3693 (2) (a) An executive branch agency may not create a full-time equivalent position or  
3694 part-time position, or request an appropriation to fund a full-time equivalent position or  
3695 part-time position under the provisions of Section 63J-1-201 for the purpose of providing  
3696 information technology services to the agency unless:

3697 (i) the chief information officer has approved a delegation under Section ~~[63F-1-208]~~  
3698 63A-16-207; and

3699 (ii) the ~~[department]~~ division conducts an audit under Section ~~[63F-1-604]~~ 63A-16-213  
3700 and finds that the delegation of information technology services to the agency meets the  
3701 requirements of Section ~~[63F-1-208]~~ 63A-16-207.

3702 (b) The prohibition against a request for appropriation under Subsection (2)(a) does not  
3703 apply to a request for appropriation needed to pay rates imposed under Subsection (1)(d).

3704 Section 74. Section **63A-16-209**, which is renumbered from Section 63F-1-210 is  
3705 renumbered and amended to read:

3706 ~~[63F-1-210]~~. **63A-16-209. Accessibility standards for executive branch**  
3707 **agency information technology.**

3708 (1) The chief information officer shall establish, by rule made in accordance with Title  
3709 63G, Chapter 3, Utah Administrative Rulemaking Act:

3710 (a) minimum standards for accessibility of executive branch agency information  
3711 technology by an individual with a disability that:

3712 (i) include accessibility criteria for:

3713 (A) agency websites;

3714 (B) hardware and software procured by an executive branch agency; and

- 3715 (C) information systems used by executive branch agency employees;
- 3716 (ii) include a protocol to evaluate the standards via testing by individuals with a variety
- 3717 of access limitations; and
- 3718 (iii) are, at minimum, consistent with the most recent Web Content Accessibility
- 3719 guidelines published by the World Wide Web Consortium; and
- 3720 (b) grievance procedures for an individual with a disability who is unable to access
- 3721 executive branch agency information technology, including:
- 3722 (i) a process for an individual with a disability to report the access issue to the chief
- 3723 information officer; and
- 3724 (ii) a mechanism through which the chief information officer can respond to the report.
- 3725 (2) The chief information officer shall update the standards described in Subsection
- 3726 (1)(a) at least every three years to reflect advances in technology.

3727 Section 75. Section **63A-16-210**, which is renumbered from Section 63F-1-211 is  
 3728 renumbered and amended to read:

3729 ~~[63F-1-211]~~. **63A-16-210. Chief information security officer.**

- 3730 (1) The chief information officer shall appoint a chief information security officer.
- 3731 (2) The chief information security officer described in Subsection (1) shall:
- 3732 (a) assess cybersecurity risks;
- 3733 (b) coordinate with executive branch agencies to assess the sensitivity of information;
- 3734 and
- 3735 (c) manage cybersecurity support for the department and executive branch agencies.

3736 Section 76. Section **63A-16-211**, which is renumbered from Section 63F-1-212 is  
 3737 renumbered and amended to read:

3738 ~~[63F-1-212]~~. **63A-16-211. Report to the Legislature.**

3739 The [department] division shall, in accordance with Section [~~63F-1-201~~] 63F-16-201,  
 3740 before November 1 [of] each year, report to the Public Utilities, Energy, and Technology  
 3741 Interim Committee on:

- 3742 (1) performance measures that the [department] division uses to assess the
- 3743 [~~department's~~] division's effectiveness in performing the [~~department's~~] division's duties under
- 3744 this [~~chapter~~] part; and
- 3745 (2) the [~~department's~~] division's performance, evaluated in accordance with the

3746 performance measures described in Subsection (1).

3747 Section 77. Section **63A-16-212**, which is renumbered from Section 63F-1-603 is  
3748 renumbered and amended to read:

3749 ~~[63F-1-603]~~. **63A-16-212. Agency services -- Chief information officer**  
3750 **manages.**

3751 The chief information officer shall manage the ~~[department's]~~ division's duties related  
3752 to agency services.

3753 Section 78. Section **63A-16-213**, which is renumbered from Section 63F-1-604 is  
3754 renumbered and amended to read:

3755 ~~[63F-1-604]~~. **63A-16-213. Duties of the division -- Agency services.**

3756 The ~~[department]~~ division shall:

3757 (1) be responsible for providing support to executive branch agencies for an agency's  
3758 information technology assets and functions that are unique to the executive branch agency and  
3759 are mission critical functions of the agency;

3760 (2) provide in-house information technology staff support to executive branch  
3761 agencies;

3762 (3) establish a committee composed of agency user groups for the purpose of  
3763 coordinating ~~[department]~~ division services with agency needs; and

3764 (4) assist executive branch agencies in complying with the requirements of any rule  
3765 adopted by the chief information officer.

3766 Section 79. Section **63A-16-301**, which is renumbered from Section 63F-1-301 is  
3767 renumbered and amended to read:

3768 **Part 3. Information Technology Services and Rates**

3769 ~~[63F-1-301]~~. **63A-16-301. Cost based services -- Fees -- Submission to rate**  
3770 **committee.**

3771 (1) The chief information officer shall:

3772 (a) at the lowest practical cost, manage the delivery of efficient and cost-effective  
3773 information technology and telecommunication services for:

3774 (i) all executive branch agencies; and

3775 (ii) entities that subscribe to the services in accordance with Section ~~[63F-1-303]~~

3776 63A-16-303; and

3777 (b) provide priority service to public safety agencies.

3778 (2) (a) In accordance with this Subsection (2), the chief information officer shall

3779 prescribe a schedule of fees for all services rendered by the [~~department~~] division to:

3780 (i) an executive branch entity; or

3781 (ii) an entity that subscribes to services rendered by the [~~department~~] division in

3782 accordance with Section [~~63F-1-303~~] 63A-16-303.

3783 (b) Each fee included in the schedule of fees required by Subsection (2)(a):

3784 (i) shall be equitable;

3785 (ii) should be based upon a zero based, full cost accounting of activities necessary to

3786 provide each service for which a fee is established; and

3787 (iii) for each service multiplied by the projected consumption of the service recovers

3788 no more or less than the full cost of each service.

3789 (c) Before charging a fee for its services to an executive branch agency or to a

3790 subscriber of services other than an executive branch agency, the chief information officer

3791 shall:

3792 (i) submit the proposed rates, fees, and cost analysis to the Rate Committee established

3793 in Section [~~63F-1-302~~] 63A-1-114; and

3794 (ii) obtain the approval of the Legislature as required by Section 63J-1-410.

3795 (d) The chief information officer shall periodically conduct a market analysis [~~by July~~

3796 ~~1, 2006, and periodically thereafter,~~] of proposed rates and fees, which analysis shall include a

3797 comparison of the [~~department's~~] division's rates with the fees of other public or private sector

3798 providers where comparable services and rates are reasonably available.

3799 Section 80. Section **63A-16-302**, which is renumbered from Section 63F-1-303 is

3800 renumbered and amended to read:

3801 ~~[63F-1-303]~~. **63A-16-302. Executive branch agencies -- Subscription by**

3802 **institutions.**

3803 (1) An executive branch agency in accordance with its agency information technology

3804 plan approved by the chief information officer shall:

3805 (a) subscribe to the information technology services provided by the [~~department~~]

3806 division; or

3807 (b) contract with one or more alternate private providers of information technology

3808 services if the chief information officer determines that the purchase of the services from a  
3809 private provider will:

3810 (i) result in:

3811 (A) cost savings;

3812 (B) increased efficiency; or

3813 (C) improved quality of services; and

3814 (ii) not impair the interoperability of the state's information technology services.

3815 (2) An institution of higher education may subscribe to the services provided by the

3816 [department] division if:

3817 (a) the president of the institution recommends that the institution subscribe to the  
3818 services of the [department] division; and

3819 (b) the Utah Board of Higher Education determines that subscription to the services of  
3820 the [department] division will result in cost savings or increased efficiency to the institution.

3821 (3) The following may subscribe to information technology services by requesting that  
3822 the services be provided from the [department] division:

3823 (a) the legislative branch;

3824 (b) the judicial branch;

3825 (c) the State Board of Education;

3826 (d) a political subdivision of the state;

3827 (e) an agency of the federal government;

3828 (f) an independent entity as defined in Section [63E-1-102](#); and

3829 (g) an elective constitutional officer of the executive department as defined in

3830 Subsection [\[63F-1-102\] 63A-16-102](#)(5)(b)(vii).

3831 Section 81. Section **63A-16-401**, which is renumbered from Section 63F-1-402 is  
3832 renumbered and amended to read:

3833 **Part 4. Enterprise Technology**

3834 ~~**[63F-1-402].**~~ **63A-16-401. Definitions.**

3835 As used in this [chapter] part, "enterprise architecture" means information technology  
3836 assets and functions that can be applied across state government and include:

3837 (1) computing devices such as mainframes, servers, desktop devices, and peripherals;

3838 (2) networks;

- 3839 (3) enterprise wide applications;
- 3840 (4) maintenance and help desk functions for common hardware and applications;
- 3841 (5) standards for other computing devices, operating systems, common applications,
- 3842 and software; and
- 3843 (6) master contracts that are available for use by agencies for various systems such as
- 3844 operating systems, database, enterprise resource planning and customer relationship
- 3845 management software, application development services, and enterprise integration.

3846 Section 82. Section **63A-16-402**, which is renumbered from Section 63F-1-403 is

3847 renumbered and amended to read:

3848 ~~[63F-1-403]~~. **63A-16-402. Enterprise technology -- Chief information**

3849 **officer manages.**

3850 The chief information officer shall manage the [~~department's~~] division's duties related

3851 to enterprise technology.

3852 Section 83. Section **63A-16-403**, which is renumbered from Section 63F-1-404 is

3853 renumbered and amended to read:

3854 ~~[63F-1-404]~~. **63A-16-403. Duties of the division -- Enterprise technology.**

3855 The [~~department~~] division shall:

- 3856 (1) develop and implement an effective enterprise architecture governance model for
- 3857 the executive branch;
- 3858 (2) provide oversight of information technology projects that impact statewide
- 3859 information technology services, assets, or functions of state government to:
  - 3860 (a) control costs;
  - 3861 (b) ensure business value to a project;
  - 3862 (c) maximize resources;
  - 3863 (d) ensure the uniform application of best practices; and
  - 3864 (e) avoid duplication of resources;
- 3865 (3) develop a method of accountability to agencies for services provided by the
- 3866 department through service agreements with the agencies;
- 3867 (4) serve as a project manager for enterprise architecture which includes the
- 3868 management of applications, standards, and procurement of enterprise architecture;
- 3869 (5) coordinate the development and implementation of advanced state

- 3870 telecommunication systems;
- 3871 (6) provide services including technical assistance:
- 3872 (a) to executive branch agencies and subscribers to the services; and
- 3873 (b) related to information technology or telecommunications;
- 3874 (7) establish telecommunication system specifications and standards for use by:
- 3875 (a) one or more executive branch agencies; or
- 3876 (b) one or more entities that subscribe to the telecommunication systems in accordance
- 3877 with Section [~~63F-1-303~~] 63A-16-303;
- 3878 (8) coordinate state telecommunication planning in cooperation with:
- 3879 (a) state telecommunication users;
- 3880 (b) executive branch agencies; and
- 3881 (c) other subscribers to the state's telecommunication systems;
- 3882 (9) cooperate with the federal government, other state entities, counties, and
- 3883 municipalities in the development, implementation, and maintenance of:
- 3884 (a) (i) governmental information technology; or
- 3885 (ii) governmental telecommunication systems; and
- 3886 (b) (i) as part of a cooperative organization; or
- 3887 (ii) through means other than a cooperative organization;
- 3888 (10) establish, operate, manage, and maintain:
- 3889 (a) one or more state data centers; and
- 3890 (b) one or more regional computer centers;
- 3891 (11) design, implement, and manage all state-owned, leased, or rented land, mobile, or
- 3892 radio telecommunication systems that are used in the delivery of services for state government
- 3893 or its political subdivisions; and
- 3894 (12) in accordance with the executive branch strategic plan, implement minimum
- 3895 standards to be used by the [~~department~~] division for purposes of compatibility of procedures,
- 3896 programming languages, codes, and media that facilitate the exchange of information within
- 3897 and among telecommunication systems.

3898 Section 84. Section **63A-16-501**, which is renumbered from Section 63F-1-502 is

3899 renumbered and amended to read:

3900 **Part 5. Integrated Technology**

3901 ~~[63F-1-502].~~ **63A-16-501. Definitions.**

3902 As used in this part:

3903 (1) "Center" means the Automated Geographic Reference Center created in Section  
3904 ~~[63F-1-506]~~ 63A-16-505.

3905 (2) "Database" means the State Geographic Information Database created in Section  
3906 ~~[63F-1-507]~~ 63A-16-506.

3907 (3) "Geographic Information System" or "GIS" means a computer driven data  
3908 integration and map production system that interrelates disparate layers of data to specific  
3909 geographic locations.

3910 (4) "Office" means the Office of Integrated Technology, created in Section  
3911 63A-16-502.

3912 ~~[(4)]~~ (5) "State Geographic Information Database" means the database created in  
3913 Section ~~[63F-1-507]~~ 63A-16-506.

3914 ~~[(5)]~~ (6) "Statewide Global Positioning Reference Network" or "network" means the  
3915 network created in Section ~~[63F-1-509]~~ 63A-16-508.

3916 Section 85. Section **63A-16-502**, which is renumbered from Section 63F-1-503 is  
3917 renumbered and amended to read:

3918 ~~[63F-1-503].~~ **63A-16-502. Office of Integrated Technology.**

3919 (1) There is created within the division the Office of Integrated Technology.

3920 (2) The chief information officer shall manage the ~~[department's]~~ division's duties  
3921 related to integrated technology.

3922 Section 86. Section **63A-16-503**, which is renumbered from Section 63F-1-504 is  
3923 renumbered and amended to read:

3924 ~~[63F-1-504].~~ **63A-16-503. Duties of the division -- Integrated technology.**

3925 The ~~[department]~~ division shall:

3926 (1) establish standards for the information technology needs of a collection of  
3927 executive branch agencies or programs that share common characteristics relative to the types  
3928 of stakeholders they serve, including:

- 3929 (a) project management;
- 3930 (b) application development; and
- 3931 (c) procurement;

- 3932 (2) provide oversight of information technology standards that impact multiple  
3933 executive branch agency information technology services, assets, or functions to:
- 3934 (a) control costs;
  - 3935 (b) ensure business value to a project;
  - 3936 (c) maximize resources;
  - 3937 (d) ensure the uniform application of best practices; and
  - 3938 (e) avoid duplication of resources; and
- 3939 (3) establish a system of accountability to user agencies through the use of service  
3940 agreements.

3941 Section 87. Section **63A-16-504**, which is renumbered from Section 63F-1-505 is  
3942 renumbered and amended to read:

3943 ~~[63F-1-505]~~. **63A-16-504. Information technology plan.**

3944 (1) In accordance with this section, the [division] office shall submit an information  
3945 technology plan to the chief information officer.

3946 (2) The information technology plan submitted by the [division] office under this  
3947 section shall include:

- 3948 (a) the information required by Section ~~[63F-1-203]~~ 63A-16-202;
- 3949 (b) a list of the services the [division] office offers or plans to offer; and
- 3950 (c) a description of the performance measures used by the [division] office to measure  
3951 the quality of the services described in Subsection (2)(b).

3952 (3) (a) In submitting [its] the information technology plan under this section, the  
3953 [division] office shall comply with Section ~~[63F-1-204]~~ 63A-16-203.

3954 (b) The information technology plan submitted by the [division] office under this  
3955 section is subject to the approval of the chief information officer as provided in Section  
3956 ~~[63F-1-204]~~ 63A-16-203.

3957 Section 88. Section **63A-16-505**, which is renumbered from Section 63F-1-506 is  
3958 renumbered and amended to read:

3959 ~~[63F-1-506]~~. **63A-16-505. Automated Geographic Reference Center.**

3960 (1) There is created the Automated Geographic Reference Center as part of the  
3961 [division] office.

3962 (2) The center shall:

3963 (a) provide geographic information system services to state agencies under rules  
3964 adopted in accordance with Section [~~63F-1-504~~] 63A-16-503 and policies established by the  
3965 [~~division~~] office;

3966 (b) provide geographic information system services to federal government, local  
3967 political subdivisions, and private persons under rules and policies established by the [~~division~~]  
3968 office;

3969 (c) manage the State Geographic Information Database; and

3970 (d) establish standard format, lineage, and other requirements for the database.

3971 (3) (a) There is created a position of surveyor within the center.

3972 (b) The surveyor under this Subsection (3) shall:

3973 (i) be licensed as a professional land surveyor under Title 58, Chapter 22, Professional  
3974 Engineers and Professional Land Surveyors Licensing Act;

3975 (ii) provide technical support to the office of lieutenant governor in the lieutenant  
3976 governor's evaluation under Section 67-1a-6.5 of a proposed boundary action, as defined in  
3977 Section 17-23-20;

3978 (iii) as requested by a county surveyor, provide technical assistance to the county  
3979 surveyor with respect to the county surveyor's responsibilities under Section 17-23-20;

3980 (iv) fulfill the duties described in Section 17-50-105, if engaged to do so as provided in  
3981 that section;

3982 (v) assist the State Tax Commission in processing and quality assurance of boundary  
3983 descriptions or maps into digital format for inclusion in the State Geographic Information  
3984 Database;

3985 (vi) coordinate with county recorders and surveyors to create a statewide parcel layer in  
3986 the State Geographic Information Database containing parcel boundary, parcel identifier, parcel  
3987 address, owner type, and county recorder contact information; and

3988 (vii) facilitate and integrate the collection efforts of local government and federal  
3989 agencies for data collection to densify and enhance the statewide Public Land Survey System  
3990 reference network in the State Geographic Information Database.

3991 (4) The [~~division~~] office may:

3992 (a) make rules and establish policies to govern the center and its operations; and

3993 (b) set fees for the services provided by the center.

3994 (5) The state may not sell information obtained from counties under Subsection  
3995 (3)(b)(v).

3996 Section 89. Section **63A-16-506**, which is renumbered from Section 63F-1-507 is  
3997 renumbered and amended to read:

3998 ~~[63F-1-507]~~. **63A-16-506. State Geographic Information Database.**

3999 (1) There is created a State Geographic Information Database to be managed by the  
4000 center.

4001 (2) The database shall:

4002 (a) serve as the central reference for all information contained in any GIS database by  
4003 any state agency;

4004 (b) serve as a clearing house and repository for all data layers required by multiple  
4005 users;

4006 (c) serve as a standard format for geographic information acquired, purchased, or  
4007 produced by any state agency;

4008 (d) include an accurate representation of all civil subdivision boundaries of the state;  
4009 and

4010 (e) for each public highway, as defined in Section [72-1-102](#), in the state, include an  
4011 accurate representation of the highway's centerline, physical characteristics, and associated  
4012 street address ranges.

4013 (3) The center shall, in coordination with municipalities, counties, emergency  
4014 communications centers, and the Department of Transportation:

4015 (a) develop the information described in Subsection (2)(e); and

4016 (b) update the information described in Subsection (2)(e) in a timely manner after a  
4017 county recorder records a final plat.

4018 (4) Each state agency that acquires, purchases, or produces digital geographic  
4019 information data shall:

4020 (a) inform the center of the existence of the data layers and their geographic extent;

4021 (b) allow the center access to all data classified public; and

4022 (c) comply with any database requirements established by the center.

4023 (5) At least annually, the State Tax Commission shall deliver to the center information  
4024 the State Tax Commission receives under Section [67-1a-6.5](#) relating to the creation or

4025 modification of the boundaries of political subdivisions.

4026 (6) The boundary of a political subdivision within the State Geographic Information  
4027 Database is the official boundary of the political subdivision for purposes of meeting the needs  
4028 of the United States Bureau of the Census in identifying the boundary of the political  
4029 subdivision.

4030 Section 90. Section **63A-16-507**, which is renumbered from Section 63F-1-508 is  
4031 renumbered and amended to read:

4032 ~~[63F-1-508]~~. **63A-16-507. Committee to award grants to counties for**  
4033 **inventory and mapping of R.S. 2477 rights-of-way -- Use of grants -- Request for**  
4034 **proposals.**

4035 (1) There is created within the center a committee to award grants to counties to  
4036 inventory and map R.S. 2477 rights-of-way, associated structures, and other features as  
4037 provided by Subsection (5).

4038 (2) (a) The committee shall consist of:

4039 (i) the center manager;

4040 (ii) a representative of the Governor's Office of Management and Budget;

4041 (iii) a representative of Utah State University Extension;

4042 (iv) a representative of the Utah Association of Counties; and

4043 (v) three county commissioners.

4044 (b) The committee members specified in Subsections (2)(a)(ii) through (2)(a)(iv) shall  
4045 be selected by the organizations they represent.

4046 (c) The committee members specified in Subsection (2)(a)(v) shall be:

4047 (i) selected by the Utah Association of Counties;

4048 (ii) from rural counties; and

4049 (iii) from different regions of the state.

4050 (3) (a) The committee shall select a chair from ~~[its]~~ the committee's membership.

4051 (b) The committee shall meet upon the call of the chair or a majority of the committee  
4052 members.

4053 (c) Four members ~~[shall constitute]~~ of the committee constitutes a quorum.

4054 (4) (a) Committee members who are state government employees shall receive no  
4055 additional compensation for their work on the committee.

4056 (b) Committee members who are not state government employees shall receive no  
4057 compensation or expenses from the state for their work on the committee.

4058 (5) (a) The committee shall award grants to counties to:

4059 (i) inventory and map R.S. 2477 rights-of-way using Global Positioning System (GPS)  
4060 technology; and

4061 (ii) photograph:

4062 (A) roads and other evidence of construction of R.S. 2477 rights-of-way;

4063 (B) structures or natural features that may be indicative of the purpose for which an  
4064 R.S. 2477 right-of-way was created, such as mines, agricultural facilities, recreational  
4065 facilities, or scenic overlooks; and

4066 (C) evidence of valid and existing rights on federal lands, such as mines and  
4067 agricultural facilities.

4068 (b) (i) The committee may allow counties, while they are conducting the activities  
4069 described in Subsection (5)(a), to use grant money to inventory, map, or photograph other  
4070 natural or cultural resources.

4071 (ii) Activities funded under Subsection (5)(b)(i) must be integrated with existing  
4072 programs underway by state agencies, counties, or institutions of higher education.

4073 (c) Maps and other data acquired through the grants shall become a part of the State  
4074 Geographic Information Database.

4075 (d) Counties shall provide an opportunity to interested parties to submit information  
4076 relative to the mapping and photographing of R.S. 2477 rights-of-way and other structures as  
4077 provided in Subsections (5)(a) and (5)(b).

4078 (6) (a) The committee shall develop a request for proposals process and issue a request  
4079 for proposals.

4080 (b) The request for proposals shall require each grant applicant to submit an  
4081 implementation plan and identify any monetary or in-kind contributions from the county.

4082 (c) In awarding grants, the committee shall give priority to proposals to inventory, map,  
4083 and photograph R.S. 2477 rights-of-way and other structures as specified in Subsection (5)(a)  
4084 which are located on federal lands that:

4085 (i) a federal land management agency proposes for special management, such as lands  
4086 to be managed as an area of critical environmental concern or primitive area; or

4087 (ii) are proposed to receive a special designation by Congress, such as lands to be  
4088 designated as wilderness or a national conservation area.

4089 (7) Each county that receives a grant under the provision of this section shall provide a  
4090 copy of all data regarding inventory and mapping to the AGRC for inclusion in the state  
4091 database.

4092 Section 91. Section **63A-16-508**, which is renumbered from Section 63F-1-509 is  
4093 renumbered and amended to read:

4094 ~~[63F-1-509].~~ **63A-16-508. Statewide Global Positioning Reference**

4095 **Network created -- Rulemaking authority.**

4096 (1) (a) There is created the Statewide Global Positioning Reference Network to  
4097 improve the quality of geographic information system data and the productivity, efficiency, and  
4098 cost-effectiveness of government services.

4099 (b) The network shall provide a system of permanently mounted, fully networked,  
4100 global positioning system base stations that will provide real time radio navigation and  
4101 establish a standard statewide coordinate reference system.

4102 (c) The center shall administer the network.

4103 (2) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
4104 the chief information officer shall make rules providing for operating policies and procedures  
4105 for the network.

4106 (b) When making rules under this section, the chief information officer shall consider:

4107 (i) network development that serves a public purpose;

4108 (ii) increased productivity and efficiency for state agencies; and

4109 (iii) costs and longevity of the network.

4110 Section 92. Section **63A-16-509**, which is renumbered from Section 63F-1-510 is  
4111 renumbered and amended to read:

4112 ~~[63F-1-510].~~ **63A-16-509. Monument Replacement and Restoration**

4113 **Committee.**

4114 (1) As used in this section:

4115 (a) "Committee" means the Monument Replacement and Restoration Committee  
4116 created in this section.

4117 (b) "Corner" means the same as that term is defined in Section [17-23-17.5](#).

- 4118 (c) "Monument" means the same as that term is defined in Section 17-23-17.5.
- 4119 (2) (a) There is created the Monument Replacement and Restoration Committee
- 4120 composed of the following seven members:
- 4121 (i) five members appointed by an organization or association that represents Utah
- 4122 counties:
- 4123 (A) that have knowledge and understanding of the Public Land Survey System; and
- 4124 (B) who each represents a different county; and
- 4125 (ii) two members, appointed by the center, who have a knowledge and understanding
- 4126 of the Public Land Survey System.
- 4127 (b) (i) Except as provided in Subsection (2)(b)(ii), a member appointed to the
- 4128 committee is appointed for a four-year term.
- 4129 (ii) The director of the center shall, at the time an entity appoints or reappoints an
- 4130 individual to serve on the committee, adjust the length of the appointed individual's term, as
- 4131 necessary, to ensure that the terms of committee members are staggered so that approximately
- 4132 half of the committee members are appointed every two years.
- 4133 (iii) When a vacancy occurs on the committee for any reason, the replacement
- 4134 appointee shall serve on the committee for the unexpired term.
- 4135 (c) The committee shall elect one committee member to serve as chair of the
- 4136 committee for a term of two years.
- 4137 (d) A majority of the committee constitutes a quorum, and the action of a majority of a
- 4138 quorum constitutes the action of the committee.
- 4139 (e) (i) The center shall provide staff support to the committee.
- 4140 (ii) An individual who is a member of the committee may not serve as staff to the
- 4141 committee.
- 4142 (f) A member of the committee may not receive compensation for the member's service
- 4143 on the committee.
- 4144 (g) The committee may adopt bylaws to govern the committee's operation.
- 4145 (3) (a) The committee shall administer a grant program to assist counties in
- 4146 maintaining and protecting corners or monuments.
- 4147 (b) A county wishing to receive a grant under the program described in Subsection
- 4148 (3)(a) shall submit to the committee an application that:

- 4149 (i) identifies one or more monuments in the county that are in need of protection or  
4150 rehabilitation;
- 4151 (ii) establishes a plan that is consistent with federal law or rule to protect or rehabilitate  
4152 each monument identified under Subsection (3)(b)(i); and
- 4153 (iii) requests a specific amount of funding to complete the plan established under  
4154 Subsection (3)(b)(ii).
- 4155 (c) The committee shall:
- 4156 (i) adopt criteria to:
- 4157 (A) evaluate whether a monument identified by a county under Subsection (3)(b)(i)  
4158 needs protection or rehabilitation; and
- 4159 (B) identify which monuments identified by a county under Subsection (3)(b)(i) have  
4160 the greatest need of protection or rehabilitation;
- 4161 (ii) evaluate each application submitted by a county under Subsection (3)(b) using the  
4162 criteria adopted by the committee under Subsection (3)(c)(i);
- 4163 (iii) subject to sufficient funding and Subsection (3)(d), award grants to counties whose  
4164 applications are most favorably evaluated under Subsection (3)(c)(ii); and
- 4165 (iv) establish a date by which a county awarded a grant under Subsection (3)(c)(iii)  
4166 shall report back to the committee.
- 4167 (d) The committee may not award a grant to a county under this section in an amount  
4168 greater than \$100,000.
- 4169 (4) A county that is awarded a grant under this section shall:
- 4170 (a) document the work performed by the county, pursuant to the plan established by the  
4171 county under Subsection (3)(b)(ii), to protect or rehabilitate a monument; and
- 4172 (b) before the date established under Subsection (3)(c)(iv), report to the committee on  
4173 the work performed by the county.
- 4174 (5) (a) If the committee has not expended all of the funds appropriated to the  
4175 committee by the Legislature for the fulfillment of the committee's duties under this section  
4176 before December 31, 2017, the committee shall disburse any remaining funds equally among  
4177 all counties that have established a dedicated monument preservation fund by ordinance as  
4178 provided in Section [17-23-19](#).
- 4179 (b) A county to which the center has disbursed funds under Subsection (5)(a) shall:

- 4180 (i) deposit the funds into the county's monument preservation fund; and
- 4181 (ii) expend the funds, in consultation with the committee, for the maintenance and
- 4182 preservation of monuments in the county.

4183 Section 93. Section **63A-16-601**, which is renumbered from Section 63F-1-701 is  
 4184 renumbered and amended to read:

**Part 6. Utah Public Notice Website**

4185 ~~[63F-1-701].~~ **63A-16-601. Utah Public Notice Website -- Establishment**  
 4186 **and administration.**

4188 (1) As used in this part:

4189 ~~[(a) "Division" means the Division of Archives and Records Service of the Department~~  
 4190 ~~of Administrative Services.]~~

4191 ~~[(b)]~~ (a) "Executive board" means the same as that term is defined in Section [67-1-2.5](#).

4192 ~~[(c)]~~ (b) "Public body" means the same as that term is defined in Section [52-4-103](#).

4193 ~~[(d)]~~ (c) "Public information" means a public body's public notices, minutes, audio  
 4194 recordings, and other materials that are required to be posted to the website under Title 52,  
 4195 Chapter 4, Open and Public Meetings Act, or other statute or state agency rule.

4196 ~~[(e)]~~ (d) "Website" means the Utah Public Notice Website created ~~[under]~~ in this  
 4197 section.

4198 (2) There is created the Utah Public Notice Website to be administered by the Division  
 4199 of Archives and Records Service.

4200 (3) The website shall consist of an Internet website provided to assist the public to find  
 4201 posted public information.

4202 (4) The ~~[division]~~ Division of Archives and Records Service, with the technical  
 4203 assistance of the ~~[Department]~~ Division of Technology Services, shall create the website that  
 4204 shall:

4205 (a) allow a public body, or other certified entity, to easily post any public information,  
 4206 including the contact information required under Subsections [17B-1-303\(9\)](#) and  
 4207 [17D-1-106\(1\)\(b\)\(ii\)](#);

4208 (b) allow the public to easily search the public information by:

4209 (i) public body name;

4210 (ii) date of posting of the notice;

4211 (iii) date of any meeting or deadline included as part of the public information; and  
4212 (iv) any other criteria approved by the [~~division~~] Division of Archives and Records  
4213 Service;

4214 (c) allow the public to easily search and view past, archived public information;  
4215 (d) allow an individual to subscribe to receive updates and notices associated with a  
4216 public body or a particular type of public information;  
4217 (e) be easily accessible by the public from the State of Utah home page;  
4218 (f) have a unique and simplified website address;  
4219 (g) be directly accessible via a link from the main page of the official state website; and  
4220 (h) include other links, features, or functionality that will assist the public in obtaining  
4221 and reviewing public information posted on the website, as may be approved by the division.

4222 (5) (a) Subject to Subsection (5)(b), the [~~division~~] Division of Archives and Records  
4223 Service and the governor's office shall coordinate to ensure that the website, the database  
4224 described in Section 67-1-2.5, and the website described in Section 67-1-2.5 automatically  
4225 share appropriate information in order to ensure that:

4226 (i) an individual who subscribes to receive information under Subsection (4)(d) for an  
4227 executive board automatically receives notifications of vacancies on the executive board that  
4228 will be publicly filled, including a link to information regarding how an individual may apply  
4229 to fill the vacancy; and

4230 (ii) an individual who accesses an executive board's information on the website has  
4231 access to the following through the website:

4232 (A) the executive board's information in the database, except an individual's physical  
4233 address, e-mail address, or phone number; and

4234 (B) the portal described in Section 67-1-2.5 through which an individual may provide  
4235 input on an appointee to, or member of, the executive board.

4236 (b) The [~~division~~] Division of Archives and Records Service and the governor's office  
4237 shall comply with Subsection (5)(a) as soon as reasonably possible within existing funds  
4238 appropriated to the [~~division~~] Division of Archives and Records Service and the governor's  
4239 office.

4240 (6) Before August 1 of each year, the [~~division~~] Division of Archives and Records  
4241 Service shall:

4242 (a) identify each executive board that is a public body that did not submit to the  
4243 website a notice of a public meeting during the previous fiscal year; and

4244 (b) report the name of each identified executive board to the governor's boards and  
4245 commissions administrator.

4246 (7) The ~~[division]~~ Division of Archives and Records Service is responsible for:

4247 (a) establishing and maintaining the website, including the provision of equipment,  
4248 resources, and personnel as is necessary;

4249 (b) providing a mechanism for public bodies or other certified entities to have access to  
4250 the website for the purpose of posting and modifying public information; and

4251 (c) maintaining an archive of all public information posted to the website.

4252 (8) A public body is responsible for the content the public body is required to post to  
4253 the website and the timing of posting of that information.

4254 Section 94. Section **63A-16-602**, which is renumbered from Section 63F-1-702 is  
4255 renumbered and amended to read:

4256 ~~[63F-1-702]~~. **63A-16-602. Notice and training by the Division of Archives**  
4257 **and Records Service.**

4258 (1) The ~~[division]~~ Division of Archives and Records Service shall provide notice of the  
4259 provisions and requirements of this chapter to all public bodies that are subject to the provision  
4260 of Subsection 52-4-202(3)(a)(ii).

4261 (2) The ~~[division]~~ Division of Archives and Records Service shall, as necessary,  
4262 provide periodic training on the use of the Utah Public Notice Website to public bodies that are  
4263 authorized to post notice on the website.

4264 Section 95. Section **63A-16-701**, which is renumbered from Section 63F-2-102 is  
4265 renumbered and amended to read:

4266 **Part 7. Data Security Management Council**  
4267 ~~[63F-2-102]~~. **63A-16-701. Data Security Management Council --**  
4268 **Membership -- Duties.**

4269 (1) There is created the Data Security Management Council ~~[composed of]~~ comprising  
4270 eight members as follows:

4271 (a) the chief information officer appointed under Section ~~[63F-1-201]~~ 63A-16-201, or  
4272 the chief information officer's designee;

- 4273 (b) one individual appointed by the governor;
- 4274 (c) one individual appointed by the speaker of the House of Representatives and the  
4275 president of the Senate; and
- 4276 (d) the highest ranking information technology official, or the highest ranking  
4277 information technology official's designee, from each of:
- 4278 (i) the Judicial Council;
- 4279 (ii) the Utah Board of Higher Education;
- 4280 (iii) the State Board of Education;
- 4281 (iv) the State Tax Commission; and
- 4282 (v) the Office of the Attorney General.
- 4283 (2) The council shall elect a chair of the council by majority vote.
- 4284 (3) (a) A majority of the members of the council constitutes a quorum.
- 4285 (b) Action by a majority of a quorum of the council constitutes an action of the council.
- 4286 (4) The [~~Department~~] Division of Technology Services shall provide staff to the  
4287 council.
- 4288 (5) The council shall meet quarterly, or as often as necessary, to:
- 4289 (a) review existing state government data security policies;
- 4290 (b) assess ongoing risks to state government information technology;
- 4291 (c) create a method to notify state and local government entities of new risks;
- 4292 (d) coordinate data breach simulation exercises with state and local government  
4293 entities; and
- 4294 (e) develop data security best practice recommendations for state government that  
4295 include recommendations regarding:
- 4296 (i) hiring and training a chief information security officer for each government entity;
- 4297 (ii) continuous risk monitoring;
- 4298 (iii) password management;
- 4299 (iv) using the latest technology to identify and respond to vulnerabilities;
- 4300 (v) protecting data in new and old systems; and
- 4301 (vi) best procurement practices.
- 4302 (6) A member who is not a member of the Legislature may not receive compensation  
4303 or benefits for the member's service but may receive per diem and travel expenses as provided

4304 in:

- 4305 (a) Section [63A-3-106](#);
- 4306 (b) Section [63A-3-107](#); and
- 4307 (c) rules made by the Division of Finance under Sections [63A-3-106](#) and [63A-3-107](#).

4308 Section 96. Section **63A-16-702**, which is renumbered from Section 63F-2-103 is  
4309 renumbered and amended to read:

4310 ~~[63F-2-103]~~. **63A-16-702. Data Security Management Council -- Report to**  
4311 **Legislature -- Recommendations.**

4312 (1) The council chair or the council chair's designee shall report annually no later than  
4313 October 1 of each year to the Public Utilities, Energy, and Technology Interim Committee.

4314 (2) The council's annual report shall contain:

- 4315 (a) a summary of topics the council studied during the year;
- 4316 (b) best practice recommendations for state government; and
- 4317 (c) recommendations for implementing the council's best practice recommendations.

4318 Section 97. Section **63A-16-801**, which is renumbered from Section 63F-3-102 is  
4319 renumbered and amended to read:

4320 **Part 8. Single Sign-on Portal**

4321 ~~[63F-3-102]~~. **63A-16-801. Definitions.**

4322 As used in this ~~[chapter]~~ part:

4323 (1) "Business data" means data collected by the state about a person doing business in  
4324 the state.

4325 (2) "Single sign-on business portal" means the web portal described in Section  
4326 ~~[63F-3-103]~~ [63A-16-802](#).

4327 (3) "Single sign-on citizen portal" means the web portal described in Section  
4328 ~~[63F-3-103.5]~~ [63A-16-803](#).

4329 (4) "Web portal" means an Internet webpage that can be accessed by a person that  
4330 enters the person's unique user information in order to access secure information.

4331 Section 98. Section **63A-16-802**, which is renumbered from Section 63F-3-103 is  
4332 renumbered and amended to read:

4333 ~~[63F-3-103]~~. **63A-16-802. Single sign-on business portal -- Creation.**

4334 (1) The ~~[department]~~ division shall, in consultation with the entities described in

- 4335 Subsection (4), design and create a single sign-on business portal that is:
- 4336 (a) a web portal through which a person may access data described in Subsection (2),
- 4337 as agreed upon by the entities described in Subsection (4); and
- 4338 (b) secure, centralized, and interconnected.
- 4339 (2) The [~~department~~] division shall ensure that the single sign-on business portal
- 4340 allows a person doing business in the state to access, at a single point of entry, all relevant
- 4341 state-collected business data about the person, including information related to:
- 4342 (a) business registration;
- 4343 (b) workers' compensation;
- 4344 (c) beginning December 1, 2020, tax liability and payment; and
- 4345 (d) other information collected by the state that the department determines is relevant
- 4346 to a person doing business in the state.
- 4347 (3) The department shall develop the single sign-on business portal:
- 4348 (a) using an open platform that:
- 4349 (i) facilitates participation in the web portal by a state entity;
- 4350 (ii) allows for optional participation by a political subdivision of the state; and
- 4351 (iii) contains a link to the State Tax Commission website; and
- 4352 (b) in a manner that anticipates the creation of the single sign-on citizen portal
- 4353 described in Section [~~63F-3-103.5~~] [63A-16-803](#).
- 4354 (4) In developing the single sign-on business portal, the department shall consult with:
- 4355 (a) the Department of Commerce;
- 4356 (b) the State Tax Commission;
- 4357 (c) the Labor Commission;
- 4358 (d) the Department of Workforce Services;
- 4359 (e) the Governor's Office of Management and Budget;
- 4360 (f) the Utah League of Cities and Towns;
- 4361 (g) the Utah Association of Counties; and
- 4362 (h) the business community that is likely to use the single sign-on business portal.
- 4363 (5) The [~~department~~] division shall ensure that the single sign-on business portal is
- 4364 fully operational no later than May 1, 2021.
- 4365 Section 99. Section **63A-16-803**, which is renumbered from Section 63F-3-103.5 is

4366 renumbered and amended to read:

4367 ~~[63F-3-103.5]~~. 63A-16-803. Single sign-on citizen portal -- Creation.

4368 (1) The ~~[department]~~ division shall, in consultation with the entities described in  
4369 Subsection (4), design and create a single sign-on citizen portal that is:

4370 (a) a web portal through which an individual may access information and services  
4371 described in Subsection (2), as agreed upon by the entities described in Subsection (4); and

4372 (b) secure, centralized, and interconnected.

4373 (2) The ~~[department]~~ division shall ensure that the single sign-on citizen portal allows  
4374 an individual, at a single point of entry, to:

4375 (a) access and submit an application for:

4376 (i) medical and support programs including:

4377 (A) a medical assistance program administered under Title 26, Chapter 18, Medical  
4378 Assistance Act, including Medicaid;

4379 (B) the Children's Health Insurance Program under Title 26, Chapter 40, Utah  
4380 Children's Health Insurance Act;

4381 (C) the Primary Care Network as defined in Section [26-18-416](#); and

4382 (D) the Women, Infants, and Children program administered under 42 U.S.C. Sec.  
4383 1786;

4384 (ii) unemployment insurance under Title 35A, Chapter 4, Employment Security Act;

4385 (iii) workers' compensation under Title 34A, Chapter 2, Workers' Compensation Act;

4386 (iv) employment with a state agency;

4387 (v) a driver license or state identification card renewal under Title 53, Chapter 3,  
4388 Uniform Driver License Act;

4389 (vi) a birth or death certificate under Title 26, Chapter 2, Utah Vital Statistics Act; and

4390 (vii) a hunting or fishing license under Title 23, Chapter 19, Licenses, Permits, and  
4391 Tags;

4392 (b) access the individual's:

4393 (i) transcripts from an institution of higher education described in Section [53B-2-101](#);

4394 and

4395 (ii) immunization records maintained by the Utah Department of Health;

4396 (c) register the individual's vehicle under Title 41, Chapter 1a, Part 2, Registration,

4397 with the Motor Vehicle Division of the State Tax Commission;

4398 (d) file the individual's state income taxes under Title 59, Chapter 10, Individual  
4399 Income Tax Act, beginning December 1, 2020;

4400 (e) access information about positions available for employment with the state; and

4401 (f) access any other service or information the department determines is appropriate in  
4402 consultation with the entities described in Subsection (4).

4403 (3) The [~~department~~] division shall develop the single sign-on citizen portal using an  
4404 open platform that:

4405 (a) facilitates participation in the portal by a state entity;

4406 (b) allows for optional participation in the portal by a political subdivision of the state;

4407 and

4408 (c) contains a link to the State Tax Commission website.

4409 (4) In developing the single sign-on citizen portal, the department shall consult with:

4410 (a) each state executive branch agency that administers a program, provides a service,  
4411 or manages applicable information described in Subsection (2);

4412 (b) the Utah League of Cities and Towns;

4413 (c) the Utah Association of Counties; and

4414 (d) other appropriate state executive branch agencies.

4415 (5) The [~~department~~] division shall ensure that the single sign-on citizen portal is fully  
4416 operational no later than January 1, 2025.

4417 Section 100. Section **63A-16-804**, which is renumbered from Section 63F-3-104 is  
4418 renumbered and amended to read:

4419 ~~[63F-3-104].~~ **63A-16-804. Report.**

4420 (1) The [~~department~~] division shall report to the Public Utilities, Energy, and  
4421 Technology Interim Committee before November 30 of each year regarding:

4422 (a) the progress the [~~department~~] division has made in developing the single sign-on  
4423 business portal and the single sign-on citizen portal and, once that development is complete,  
4424 regarding the operation of the single sign-on business portal and the single sign-on citizen  
4425 portal;

4426 (b) the [~~department's~~] division's goals and plan for each of the next five years to fulfill  
4427 the [~~department's~~] division's responsibilities described in this part; and

4428 (c) whether the [~~department~~] division recommends any change to the single sign-on fee  
4429 being charged under Section 13-1-2.

4430 (2) The Public Utilities, Energy, and Technology Interim Committee shall annually:

4431 (a) review the single sign-on fee being charged under Section 13-1-2;

4432 (b) determine whether the revenue from the single sign-on fee is adequate for designing  
4433 and developing and then, once developed, operating and maintaining the single sign-on web  
4434 portal; and

4435 (c) make any recommendation to the Legislature that the committee considers  
4436 appropriate concerning:

4437 (i) the single sign-on fee; and

4438 (ii) the development or operation of the single sign-on business portal and the single  
4439 sign-on citizen portal.

4440 Section 101. Section **63A-16-901**, which is renumbered from Section 63F-4-102 is  
4441 renumbered and amended to read:

4442 **Part 9. Technology Innovation Act**

4443 [~~63F-4-102~~]. **63A-16-901. Definitions.**

4444 As used in this [~~chapter~~] part:

4445 (1) "Executive branch agency" means a department, division, or other agency within  
4446 the executive branch of state government.

4447 (2) "Governor's budget office" means the Governor's Office of Management and  
4448 Budget, created in Section 63J-4-201.

4449 (3) "Review board" means the Architecture Review Board established within the  
4450 department.

4451 (4) "Technology innovation" means a new information technology not previously in  
4452 use or a substantial adaptation or modification of an existing information technology.

4453 (5) "Technology proposal" means a proposal to implement a technology innovation  
4454 designed to result in a greater efficiency in a government process or a cost saving in the  
4455 delivery of a government service, or both.

4456 Section 102. Section **63A-16-902**, which is renumbered from Section 63F-4-201 is  
4457 renumbered and amended to read:

4458 [~~63F-4-201~~]. **63A-16-902. Submitting a technology proposal -- Review**

4459 **process.**

4460 (1) Multiple executive branch agencies may jointly submit to the chief information  
4461 officer a technology proposal, on a form or in a format specified by the [~~department~~] division.

4462 (2) The chief information officer shall transmit to the review board each technology  
4463 proposal the chief information officer determines meets the form or format requirements of the  
4464 [~~department~~] division.

4465 (3) The review board shall:

4466 (a) conduct a technical review of a technology proposal transmitted by the chief  
4467 information officer;

4468 (b) determine whether the technology proposal merits further review and consideration  
4469 by the chief information officer, based on the technology proposal's likelihood to:

4470 (i) be capable of being implemented effectively; and

4471 (ii) result in greater efficiency in a government process or a cost saving in the delivery  
4472 of a government service, or both; and

4473 (c) transmit a technology proposal to the chief information officer and to the governor's  
4474 budget office, if the review board determines that the technology proposal merits further review  
4475 and consideration by the chief information officer.

4476 Section 103. Section **63A-16-903**, which is renumbered from Section 63F-4-202 is  
4477 renumbered and amended to read:

4478 ~~[63F-4-202]~~. **63A-16-903. Chief information officer review and approval**  
4479 **of technology proposals.**

4480 (1) The chief information officer shall review and evaluate each technology proposal  
4481 that the review board transmits to the chief information officer.

4482 (2) The chief information officer may approve and recommend that the [~~department~~]  
4483 division provide funding from legislative appropriations for a technology proposal if, after the  
4484 chief information officer's review and evaluation of the technology proposal:

4485 (a) the chief information officer determines that there is a reasonably good likelihood  
4486 that the technology proposal:

4487 (i) is capable of being implemented effectively; and

4488 (ii) will result in greater efficiency in a government process or a cost saving in the  
4489 delivery of a government service, or both; and

4490 (b) the chief information officer receives approval from the governor's budget office  
4491 for the technology proposal.

4492 (3) The chief information officer may:

4493 (a) prioritize multiple approved technology proposals based on their relative likelihood  
4494 of achieving the goals described in Subsection (2); and

4495 (b) recommend funding based on the chief information officer's prioritization under  
4496 Subsection (3)(a).

4497 (4) The ~~[department]~~ division shall:

4498 (a) track the implementation and success of a technology proposal approved by the  
4499 chief information officer;

4500 (b) evaluate the level of the technology proposal's implementation effectiveness and  
4501 whether the implementation results in greater efficiency in a government process or a cost  
4502 saving in the delivery of a government service, or both; and

4503 (c) report the results of the ~~[department's]~~ division's tracking and evaluation:

4504 (i) to the chief information officer, as frequently as the chief information officer  
4505 requests; and

4506 (ii) at least annually to the Public Utilities, Energy, and Technology Interim  
4507 Committee.

4508 (5) The ~~[department]~~ division may expend money appropriated by the Legislature to  
4509 pay for expenses incurred by executive branch agencies in implementing a technology proposal  
4510 that the chief information officer has approved.

4511 Section 104. Section **63A-17-101**, which is renumbered from Section 67-19-1 is  
4512 renumbered and amended to read:

4513 **CHAPTER 17. UTAH STATE PERSONNEL MANAGEMENT ACT**

4514 **Part 1. General Provisions**

4515 ~~[67-19-1].~~ **63A-17-101. Title.**

4516 This chapter ~~[shall be known and may be cited]~~ is known as the "Utah State Personnel  
4517 Management Act."

4518 Section 105. Section **63A-17-102**, which is renumbered from Section 67-19-3 is  
4519 renumbered and amended to read:

4520 ~~[67-19-3].~~ **63A-17-102. Definitions.**

4521 As used in this chapter:

4522 (1) "Agency" means any department or unit of Utah state government with authority to  
4523 employ personnel.

4524 (2) "Career service" means positions under schedule B as defined in Section [~~67-19-15~~]  
4525 63A-17-301.

4526 (3) "Career service employee" means an employee who has successfully completed a  
4527 probationary period of service in a position covered by the career service.

4528 (4) "Career service status" means status granted to employees who successfully  
4529 complete probationary periods for competitive career service positions.

4530 (5) "Classified service" means those positions subject to the classification and  
4531 compensation provisions of Section [~~67-19-12~~] 63A-17-307.

4532 (6) "Controlled substance" means controlled substance as defined in Section 58-37-2.

4533 (7) (a) "Demotion" means a disciplinary action resulting in a reduction of an  
4534 employee's current actual wage.

4535 (b) "Demotion" does not mean:

4536 (i) a nondisciplinary movement of an employee to another position without a reduction  
4537 in the current actual wage; or

4538 (ii) a reclassification of an employee's position under the provisions of Subsection  
4539 [~~67-19-12~~] 63A-17-307(3) and rules made by the department.

4540 [~~(8) "Department" means the Department of Human Resource Management.~~]

4541 (8) "Director" means the director of the division.

4542 (9) "Disability" means a physical or mental disability as defined and protected under  
4543 the Americans with Disabilities Act, 42 U.S.C. Section 12101 et seq.

4544 (10) "Division" means the Division of Human Resource Management, created in  
4545 Section 63A-17-105.

4546 [~~(10)~~] (11) "Employee" means any individual in a paid status covered by the career  
4547 service or classified service provisions of this chapter.

4548 [~~(H)~~] (12) "Examining instruments" means written or other types of proficiency tests.

4549 [~~(12) "Executive director," except where otherwise specified, means the executive~~  
4550 ~~director of the Department of Human Resource Management.~~]

4551 (13) "Human resource function" means those duties and responsibilities specified:

4552 (a) under Section [~~67-19-6~~] 63A-17-106;

4553 (b) under rules of the [~~department~~] division; and

4554 (c) under other state or federal statute.

4555 (14) "Market comparability adjustment" means a salary range adjustment determined  
4556 necessary through a market survey of salary data and other relevant information.

4557 (15) "Probationary employee" means an employee serving a probationary period in a  
4558 career service position but who does not have career service status.

4559 (16) "Probationary period" means that period of time determined by the [~~department~~]  
4560 division that an employee serves in a career service position as part of the hiring process before  
4561 career service status is granted to the employee.

4562 (17) "Probationary status" means the status of an employee between the employee's  
4563 hiring and the granting of career service status.

4564 (18) "Structure adjustment" means a [~~department~~] division modification of salary  
4565 ranges.

4566 (19) "Temporary employee" means career service exempt employees described in  
4567 Subsection [~~67-19-15~~] 63A-17-301(1)(q).

4568 (20) "Total compensation" means salaries and wages, bonuses, paid leave, group  
4569 insurance plans, retirement, and all other benefits offered to state employees as inducements to  
4570 work for the state.

4571 Section 106. Section **63A-17-103**, which is renumbered from Section 67-19-3.1 is  
4572 renumbered and amended to read:

4573 **~~[67-19-3.1].~~ 63A-17-103. Principles guiding interpretation of chapter and**  
4574 **adoption of rules.**

4575 (1) The [~~department~~] division shall establish a career service system designed in a  
4576 manner that will provide for the effective implementation of the following merit principles:

4577 (a) recruiting, selecting, and advancing employees on the basis of their relative ability,  
4578 knowledge, and skills, including open consideration of qualified applicants for initial  
4579 appointment;

4580 (b) providing for equitable and competitive compensation;

4581 (c) training employees as needed to assure high-quality performance;

4582 (d) retaining employees on the basis of the adequacy of their performance and

4583 separating employees whose inadequate performance cannot be corrected;

4584 (e) fair treatment of applicants and employees in all aspects of human resource  
4585 administration without regard to race, color, religion, sex, national origin, political affiliation,  
4586 age, or disability, and with proper regard for their privacy and constitutional rights as citizens;

4587 (f) providing information to employees regarding their political rights and the  
4588 prohibited practices under the Hatch Act; and

4589 (g) providing a formal procedure for advancing grievances of employees:

4590 (i) without discrimination, coercion, restraint, or reprisal; and

4591 (ii) in a manner that is fair, expeditious, and inexpensive for the employee and the  
4592 agency.

4593 (2) The principles in Subsection (1) shall govern interpretation and implementation of  
4594 this chapter.

4595 Section 107. Section **63A-17-104**, which is renumbered from Section 67-19-4 is  
4596 renumbered and amended to read:

4597 ~~[67-19-4].~~ **63A-17-104. Discriminatory or prohibited employment practices.**

4598 The state, its officers, and employees shall be governed by the provisions of Section  
4599 **34A-5-106** of the Utah Antidiscrimination Act concerning discriminatory or prohibited  
4600 employment practices.

4601 Section 108. Section **63A-17-105**, which is renumbered from Section 67-19-5 is  
4602 renumbered and amended to read:

4603 ~~[67-19-5].~~ **63A-17-105. Division of Human Resource Management created --**  
4604 **Director -- Staff.**

4605 (1) There is created [~~the Department~~] within the department, the Division of Human  
4606 Resource Management.

4607 (2) (a) The [~~department~~] division shall be administered by [~~an executive~~] a director  
4608 appointed by the [~~governor with the consent of the Senate~~] executive director, with the  
4609 approval of the governor.

4610 (b) The [~~executive~~] director shall be a person with experience in human resource  
4611 management and shall be accountable to the [~~governor for the~~] executive director for the  
4612 director's performance in office.

4613 [~~(3) The executive director may:~~]

4614 ~~[(a) appoint a personal secretary and a deputy director, both of whom shall be exempt~~  
4615 ~~from career service; and]~~

4616 ~~[(b) appoint division directors and program managers who may be career service~~  
4617 ~~exempt.]~~

4618 ~~[(4) (a) The executive director shall have full responsibility and accountability for the~~  
4619 ~~administration of the statewide human resource management system.]~~

4620 ~~[(b) Except as provided in Section 67-19-6.1, an agency may not perform human~~  
4621 ~~resource functions without the consent of the executive director.]~~

4622 ~~[(5) Statewide human resource management rules adopted by the Department of~~  
4623 ~~Human Resource Management in accordance with Title 63G, Chapter 3, Utah Administrative~~  
4624 ~~Rulemaking Act, shall take precedence if there is a conflict with agency rules, policies, or~~  
4625 ~~practices.]~~

4626 ~~[(6) The department may operate as an internal service fund agency in accordance with~~  
4627 ~~Section 63J-1-410 for the human resource functions the department provides:]~~

4628 (4) The director shall advise the governor on human resource matters.

4629 Section 109. Section **63A-17-106**, which is renumbered from Section 67-19-6 is  
4630 renumbered and amended to read:

4631 **[67-19-6]. 63A-17-106. Responsibilities of the director.**

4632 (1) The director shall have full responsibility and accountability for the administration  
4633 of the statewide human resource management system.

4634 (2) Except as provided in Section 63A-17-201, an agency may not perform human  
4635 resource functions without the consent of the director.

4636 (3) Statewide human resource management rules adopted by the division in accordance  
4637 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall take precedence if there  
4638 is a conflict with agency rules, policies, or practices.

4639 (4) The division may operate as an internal service fund agency in accordance with  
4640 Section 63J-1-410 for the human resource functions the division provides.

4641 ~~[(+)]~~ (5) The [executive] director shall:

4642 (a) develop, implement, and administer a statewide program of human resource  
4643 management that will:

4644 (i) aid in the efficient execution of public policy;

- 4645 (ii) foster careers in public service for qualified employees; and  
4646 (iii) render assistance to state agencies in performing their missions;
- 4647 (b) design and administer the state pay plan;
- 4648 (c) design and administer the state classification system and procedures for determining  
4649 schedule assignments;
- 4650 (d) design and administer the state recruitment and selection system;
- 4651 (e) administer agency human resource practices and ensure compliance with federal  
4652 law, state law, and state human resource rules, including equal employment opportunity;
- 4653 (f) consult with agencies on decisions concerning employee corrective action and  
4654 discipline;
- 4655 (g) maintain central personnel records;
- 4656 (h) perform those functions necessary to implement this chapter unless otherwise  
4657 assigned or prohibited;
- 4658 (i) perform duties assigned by the governor, executive director, or statute;
- 4659 (j) adopt rules for human resource management according to the procedures of Title  
4660 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 4661 (k) establish and maintain a management information system that will furnish the  
4662 governor, the Legislature, and agencies with current information on authorized positions,  
4663 payroll, and related matters concerning state human resources;
- 4664 (l) conduct research and planning activities to:
- 4665 (i) determine and prepare for future state human resource needs;
- 4666 (ii) develop methods for improving public human resource management; and
- 4667 (iii) propose needed policy changes to the governor;
- 4668 (m) study the character, causes, and extent of discrimination in state employment and  
4669 develop plans for its elimination through programs consistent with federal and state laws  
4670 governing equal employment opportunity in employment;
- 4671 (n) when requested by charter schools or counties, municipalities, and other political  
4672 subdivisions of the state, provide technical service, training recommendations, or advice on  
4673 human resource management at a charge determined by the [~~executive~~] director;
- 4674 (o) establish compensation policies and procedures for early voluntary retirement;
- 4675 (p) confer with the heads of other agencies about human resource policies and

4676 procedures;

4677 (q) submit an annual report to the executive director, the governor, and the Legislature;  
4678 and

4679 (r) assist with the development of a vacant position report required under Subsection  
4680 63J-1-201(2)(b)(vi).

4681 [~~(2)~~] (6) (a) After consultation with the executive director, the governor, and the heads  
4682 of other agencies, the [~~executive~~] director shall establish and coordinate statewide training  
4683 programs, including and subject to available funding, the development of manager and  
4684 supervisor training.

4685 (b) The programs developed under this Subsection [~~(2)~~] (6) shall have application to  
4686 more than one agency.

4687 (c) The [~~department~~] division may not establish training programs that train employees  
4688 to perform highly specialized or technical jobs and tasks.

4689 (d) The [~~department~~] division shall ensure that any training program described in this  
4690 Subsection [~~(2)~~] (6) complies with Title 63G, Chapter 22, State Training and Certification  
4691 Requirements.

4692 [~~(3)~~] (7) (a) (i) The [~~department~~] division may collect fees for training as authorized by  
4693 this Subsection [~~(3)~~] (7).

4694 (ii) Training funded from General Fund appropriations shall be treated as a separate  
4695 program within the department budget.

4696 (iii) All money received from fees under this section will be accounted for by the  
4697 department as a separate user driven training program.

4698 (iv) The user training program includes the costs of developing, procuring, and  
4699 presenting training and development programs, and other associated costs for these programs.

4700 (b) (i) Funds remaining at the end of the fiscal year in the user training program are  
4701 nonlapsing.

4702 (ii) Each year, as part of the appropriations process, the Legislature shall review the  
4703 amount of nonlapsing funds remaining at the end of the fiscal year and may, by statute, require  
4704 the department to lapse a portion of the funds.

4705 Section 110. Section **63A-17-107** is enacted to read:

4706 **63A-17-107. Services and fees -- Submission to rate committee.**

4707 The director shall, before charging a fee for services provided by the division's internal  
 4708 service fund to an executive branch agency:

4709 (1) submit the proposed rates, fees, and cost analysis to the rate committee established  
 4710 in Section 63A-1-114; and

4711 (2) obtain the approval of the Legislature as required under Section 63J-1-410.  
 4712 Section 111. Section **63A-17-108**, which is renumbered from Section 67-19-26 is  
 4713 renumbered and amended to read:

4714 **[67-19-26]. 63A-17-108. Severability of provisions -- Compliance with**  
 4715 **requirements for federally aided programs.**

4716 (1) If any provision of this chapter or of any regulation or order issued thereunder or  
 4717 the application of any provision of this chapter to any person or circumstance is held invalid,  
 4718 the remainder of this chapter and the application of provision of this chapter or regulation or  
 4719 orders issued under it to persons or circumstances other than those to which it is held invalid  
 4720 shall still be regarded as having the force and effect of law.

4721 (2) If any part of this chapter is found to be in conflict with federal requirements which  
 4722 are a condition precedent to the allocation of federal funds to the state, the conflicting part of  
 4723 this chapter shall be inoperative solely to the extent of the conflict and with respect to the  
 4724 agencies directly affected, and such findings shall not affect the operation of the remainder of  
 4725 this chapter in its application to the agencies concerned.

4726 (3) Notwithstanding any provisions in this chapter to the contrary, no regulation shall  
 4727 be adopted which would deprive the state or any of its departments or institutions of federal  
 4728 grants or other forms of financial assistance, and the rules and regulations promulgated  
 4729 hereunder shall include standards, provisions, terms, and conditions for personnel engaged in  
 4730 the administration of federally aided programs, which shall, in all respects, comply with the  
 4731 necessary requirements for a qualified human resource system under the standards applicable to  
 4732 personnel engaged in the administration of federally aided programs.

4733 Section 112. Section **63A-17-201**, which is renumbered from Section 67-19-6.1 is  
 4734 renumbered and amended to read:

## Part 2. Offices and Facilities

4736 **[67-19-6.1]. 63A-17-201. Division field offices.**

4737 (1) The [~~executive director of the Department of Human Resource Management~~]

4738 director may establish a field office in an agency.

4739 (2) The [~~executive~~] director may assign an employee of the [~~department~~] division to act  
4740 as field office staff.

4741 (3) The [~~executive~~] director and agency head shall sign an agreement, to be reviewed  
4742 annually, that specifies:

4743 (a) the services to be provided by the [~~department~~] division;

4744 (b) the use of agency facilities and equipment by the field office;

4745 (c) protocols to resolve discrepancies between agency practice and [~~Department of~~  
4746 ~~Human Resource Management~~] division policy; and

4747 (d) any other issue necessary for the proper functioning of the field office.

4748 (4) Unless otherwise provided for in the field office agreement, the agency shall:

4749 (a) assign responsibilities and duties to its employees;

4750 (b) conduct performance appraisals;

4751 (c) discipline its employees in consultation with the [~~department~~] division; and

4752 (d) maintain individual personnel records.

4753 Section 113. Section **63A-17-202**, which is renumbered from Section 67-19-11 is  
4754 renumbered and amended to read:

4755 ~~[67-19-11]~~. **63A-17-202. Use of facilities -- Field office facilities cost allocation.**

4756 (1) [~~(a)~~] An agency or a political subdivision of the state shall allow the [~~department~~]  
4757 division to use public buildings under the agency's of the political subdivision's control, and  
4758 furnish heat, light, and furniture, for any examination, training, hearing, or investigation  
4759 authorized by this chapter.

4760 [~~(b)~~] (2) An agency or political subdivision that allows the [~~department~~] division to use  
4761 a public building under Subsection (1)[~~(a)~~] shall pay the cost of the [~~department's~~] division's  
4762 use of the public building.

4763 [~~(2) The executive director shall:~~]

4764 [~~(a) prepare an annual budget request for the department;~~]

4765 [~~(b) submit the budget request to the governor and the Legislature; and]~~

4766 [~~(c) before charging a fee for services provided by the department's internal service  
4767 fund to an executive branch agency:]~~

4768 [~~(i) submit the proposed rates, fees, and cost analysis to the Rate Committee~~

4769 established under Subsection (3); and]

4770 [~~(ii) obtain the approval of the Legislature as required under Section 63J-1-410.~~]

4771 [~~(3) (a) There is created a rate committee that shall consist of the executive directors of~~

4772 ~~seven state agencies that use services and pay rates to one of the department internal service~~

4773 ~~funds, or their designee, appointed by the governor for a two-year term.~~]

4774 [~~(b) (i) Of the seven executive agencies represented on the rate committee under~~

4775 ~~Subsection (3)(a), only one of the following may be represented on the committee, if at all, at~~

4776 ~~any one time:~~]

4777 [~~(A) the Governor's Office of Management and Budget;~~]

4778 [~~(B) the Division of Finance;~~]

4779 [~~(C) the Department of Administrative Services; or~~]

4780 [~~(D) the Department of Technology Services.~~]

4781 [~~(ii) The department may not have a representative on the rate committee.~~]

4782 [~~(c) (i) The rate committee shall elect a chair from the rate committee's members.~~]

4783 [~~(ii) Each member of the rate committee who is a state government employee and who~~

4784 ~~does not receive salary, per diem, or expenses from the member's agency for the member's~~

4785 ~~service on the rate committee shall receive no compensation, benefits, per diem, or expenses~~

4786 ~~for the member's service on the rate committee.~~]

4787 [~~(d) The department shall provide staff services to the rate committee.~~]

4788 [~~(4) (a) The department shall submit to the rate committee a proposed rate and fee~~

4789 ~~schedule for:~~]

4790 [~~(i) human resource management services rendered; and~~]

4791 [~~(ii) costs incurred by the Office of the Attorney General in defending the state in a~~

4792 ~~grievance under review by the Career Service Review Office.~~]

4793 [~~(b) The rate committee shall:~~]

4794 [~~(i) conduct meetings in accordance with Title 52, Chapter 4, Open and Public~~

4795 ~~Meetings Act;~~]

4796 [~~(ii) meet at least once each calendar year to:~~]

4797 [~~(A) discuss the service performance of each internal service fund;~~]

4798 [~~(B) review the proposed rate and fee schedules;~~]

4799 [~~(C) at the rate committee's discretion, approve, increase, or decrease the rate and fee~~

4800 schedules described in Subsection (4)(b)(ii)(B); and]  
 4801 [~~(D) discuss any prior or potential adjustments to the service level received by state~~  
 4802 ~~agencies that pay rates to an internal service fund;]~~  
 4803 [~~(iii) recommend a proposed rate and fee schedule for the internal service fund to:]~~  
 4804 [~~(A) the Governor's Office of Management and Budget; and]~~  
 4805 [~~(B) each legislative appropriations subcommittee that, in accordance with Section~~  
 4806 ~~63J-1-410, approves the internal service fund rates, fees, and budget; and]~~  
 4807 [~~(iv) review and approve, increase or decrease an interim rate, fee, or amount when the~~  
 4808 ~~department begins a new service or introduces a new product between annual general sessions~~  
 4809 ~~of the Legislature.]~~  
 4810 [~~(e) The committee may in accordance with Subsection 63J-1-410(4) decrease a rate,~~  
 4811 ~~fee, or amount that has been approved by the Legislature.]~~

4812 Section 114. Section **63A-17-301**, which is renumbered from Section 67-19-15 is  
 4813 renumbered and amended to read:

### 4814 **Part 3. Classification and Career Service**

4815 **[~~67-19-15~~]. 63A-17-301. Career service -- Exempt positions -- Schedules for**  
 4816 **civil service positions -- Coverage of career service provisions.**

4817 (1) Except as otherwise provided by law or by rules and regulations established for  
 4818 federally aided programs, the following positions are exempt from the career service provisions  
 4819 of this chapter and are designated under the following schedules:

- 4820 (a) schedule AA includes the governor, members of the Legislature, and all other  
 4821 elected state officers;
- 4822 (b) schedule AB includes appointed executives and board or commission executives  
 4823 enumerated in Section [67-22-2](#);
- 4824 (c) schedule AC includes all employees and officers in:
- 4825 (i) the office and at the residence of the governor;
- 4826 (ii) the Public Lands Policy Coordinating Council;
- 4827 (iii) the Office of the State Auditor; and
- 4828 (iv) the Office of the State Treasurer;
- 4829 (d) schedule AD includes employees who:
- 4830 (i) are in a confidential relationship to an agency head or commissioner; and

- 4831 (ii) report directly to, and are supervised by, a department head, commissioner, or  
4832 deputy director of an agency or its equivalent;
- 4833 (e) schedule AE includes each employee of the State Board of Education that the State  
4834 Board of Education designates as exempt from the career service provisions of this chapter;
- 4835 (f) schedule AG includes employees in the Office of the Attorney General who are  
4836 under their own career service pay plan under Sections 67-5-7 through 67-5-13;
- 4837 (g) schedule AH includes:
- 4838 (i) teaching staff of all state institutions; and
- 4839 (ii) employees of the Utah Schools for the Deaf and the Blind who are:
- 4840 (A) educational interpreters as classified by the [~~department~~] division; or
- 4841 (B) educators as defined by Section 53E-8-102;
- 4842 (h) schedule AN includes employees of the Legislature;
- 4843 (i) schedule AO includes employees of the judiciary;
- 4844 (j) schedule AP includes all judges in the judiciary;
- 4845 (k) schedule AQ includes:
- 4846 (i) members of state and local boards and councils appointed by the governor and  
4847 governing bodies of agencies;
- 4848 (ii) a water commissioner appointed under Section 73-5-1;
- 4849 (iii) other local officials serving in an ex officio capacity; and
- 4850 (iv) officers, faculty, and other employees of state universities and other state  
4851 institutions of higher education;
- 4852 (l) schedule AR includes employees in positions that involve responsibility:
- 4853 (i) for determining policy;
- 4854 (ii) for determining the way in which a policy is carried out; or
- 4855 (iii) of a type not appropriate for career service, as determined by the agency head with  
4856 the concurrence of the [~~executive~~] director;
- 4857 (m) schedule AS includes any other employee:
- 4858 (i) whose appointment is required by statute to be career service exempt;
- 4859 (ii) whose agency is not subject to this chapter; or
- 4860 (iii) whose agency has authority to make rules regarding the performance,  
4861 compensation, and bonuses for its employees;

4862 (n) schedule AT includes employees of the [~~Department~~] Division of Technology  
4863 Services, designated as executive/professional positions by the [~~executive~~] director of the  
4864 [~~Department~~] Division of Technology Services with the concurrence of the [~~executive~~] director  
4865 of the division;

4866 (o) schedule AU includes patients and inmates employed in state institutions;

4867 (p) employees of the Department of Workforce Services, designated as schedule AW:

4868 (i) who are temporary employees that are federally funded and are required to work  
4869 under federally qualified merit principles as certified by the director; or

4870 (ii) for whom substantially all of their work is repetitive, measurable, or transaction  
4871 based, and who voluntarily apply for and are accepted by the Department of Workforce  
4872 Services to work in a pay for performance program designed by the Department of Workforce  
4873 Services with the concurrence of the [~~executive~~] director of the division; and

4874 (q) for employees in positions that are temporary, seasonal, time limited, funding  
4875 limited, or variable hour in nature, under schedule codes and parameters established by the  
4876 [~~department~~] division by administrative rule.

4877 (2) The civil service shall consist of two schedules as follows:

4878 (a) (i) Schedule A is the schedule consisting of positions under Subsection (1).

4879 (ii) Removal from any appointive position under schedule A, unless otherwise  
4880 regulated by statute, is at the pleasure of the appointing officers without regard to tenure.

4881 (b) Schedule B is the competitive career service schedule, consisting of:

4882 (i) all positions filled through competitive selection procedures as defined by the  
4883 [~~executive~~] director; or

4884 (ii) positions filled through a [~~department~~] division approved on-the-job examination  
4885 intended to appoint a qualified person with a disability, or a veteran in accordance with Title  
4886 71, Chapter 10, Veterans Preference.

4887 (3) (a) The [~~executive~~] director, after consultation with the heads of concerned  
4888 executive branch departments and agencies and with the approval of the governor, shall  
4889 allocate positions to the appropriate schedules under this section.

4890 (b) Agency heads shall make requests and obtain approval from the [~~executive~~]  
4891 director before changing the schedule assignment and tenure rights of any position.

4892 (c) Unless the [~~executive~~] director's decision is reversed by the governor, when the

4893 [executive] director denies an agency's request, the [executive] director's decision is final.

4894 (4) (a) Compensation for employees of the Legislature shall be established by the  
4895 directors of the legislative offices in accordance with Section 36-12-7.

4896 (b) Compensation for employees of the judiciary shall be established by the state court  
4897 administrator in accordance with Section 78A-2-107.

4898 (c) Compensation for officers, faculty, and other employees of state universities and  
4899 institutions of higher education shall be established as provided in Title 53B, Chapter 1,  
4900 Governance, Powers, Rights, and Responsibilities, and Title 53B, Chapter 2, Institutions of  
4901 Higher Education.

4902 (d) Unless otherwise provided by law, compensation for all other schedule A  
4903 employees shall be established by their appointing authorities, within ranges approved by, and  
4904 after consultation with the [executive] director [~~of the Department of Human Resource~~  
4905 ~~Management~~].

4906 (5) An employee who is in a position designated schedule AC and who holds career  
4907 service status on June 30, 2010, shall retain the career service status if the employee:

4908 (a) remains in the position that the employee is in on June 30, 2010; and

4909 (b) does not elect to convert to career service exempt status in accordance with a rule  
4910 made by the [department] division.

4911 Section 115. Section **63A-17-302**, which is renumbered from Section 67-19-15.1 is  
4912 renumbered and amended to read:

4913 ~~[67-19-15.1]~~. **63A-17-302. Implementation of exempt status for Schedule**  
4914 **AD and AR employees.**

4915 (1) As used in this section, "appointee" means:

4916 (a) a deputy director;

4917 (b) a division director;

4918 (c) any assistant directors and administrative assistants who report directly to a  
4919 department head, deputy director, or their equivalent; and

4920 (d) any other person whose appointment is required by law to be approved by the  
4921 governor.

4922 (2) After the effective date of this chapter, any new appointee is a merit exempt  
4923 employee.

4924 (3) Notwithstanding the requirements of this chapter, any appointee who is currently a  
4925 nonexempt employee does not lose that nonexempt status because of this chapter.

4926 (4) The [~~Department of Human Resource Management~~] division shall develop  
4927 financial and other incentives to encourage appointees who are nonexempt to voluntarily  
4928 convert to merit exempt status.

4929 Section 116. Section **63A-17-303**, which is renumbered from Section 67-19-15.6 is  
4930 renumbered and amended to read:

4931 ~~[67-19-15.6]~~. **63A-17-303. Longevity salary increases.**

4932 (1) Except for those employees in schedules AB and AN, as provided under Section  
4933 ~~[67-19-15]~~ 63A-17-301, and employees described in Subsection ~~[67-19-15]~~ 63A-17-301(1)(q),  
4934 an employee shall receive an increase in salary of 2.75% if that employee:

4935 (a) holds a position under schedule A or B as provided under Section ~~[67-19-15]~~  
4936 63A-17-301;

4937 (b) has reached the maximum of the salary range in the position classification;

4938 (c) has been employed with the state for eight years; and

4939 (d) is rated eligible in job performance under guidelines established by the executive  
4940 director.

4941 (2) Any employee who meets the criteria under Subsection (1) is entitled to the same  
4942 increase in salary for each additional three years of employment if the employee maintains the  
4943 eligibility standards established by the [~~department~~] division.

4944 Section 117. Section **63A-17-304**, which is renumbered from Section 67-19-15.7 is  
4945 renumbered and amended to read:

4946 ~~[67-19-15.7]~~. **63A-17-304. Promotion -- Reclassification -- Market**  
4947 **adjustment.**

4948 (1) (a) If an employee is promoted or the employee's position is reclassified to a higher  
4949 salary range maximum, the agency shall place the employee within the new range of the  
4950 position.

4951 (b) An agency may not set an employee's salary:

4952 (i) higher than the maximum in the new salary range; and

4953 (ii) lower than the minimum in the new salary range of the position.

4954 (c) Except for an employee described in Subsection ~~[67-19-15]~~ 63A-17-301(1)(q), the

4955 agency shall grant a salary increase of at least 5% to an employee who is promoted.

4956 (2) An agency shall adjust the salary range for an employee whose salary range is  
4957 approved by the Legislature for a market comparability adjustment consistent with Subsection  
4958 ~~[67-19-12]~~ 63A-17-307(5)(b)(i):

4959 (a) at the beginning of the next fiscal year; and

4960 (b) consistent with appropriations made by the Legislature.

4961 (3) ~~[Department-initiated]~~ Division-initiated revisions in the state classification system  
4962 that result in consolidation or reduction of class titles or broadening of pay ranges:

4963 (a) may not be regarded as a reclassification of the position or promotion of the  
4964 employee; and

4965 (b) are exempt from the provisions of Subsection (1).

4966 Section 118. Section **63A-17-305**, which is renumbered from Section 67-19-16 is  
4967 renumbered and amended to read:

4968 ~~[67-19-16]~~. **63A-17-305. Appointments to Schedule B positions -- Examinations**  
4969 **-- Hiring lists -- Probationary service -- Dismissal.**

4970 (1) Each appointment to a position under Schedule B shall be made from hiring lists of  
4971 applicants who have been selected by competitive procedures as defined by the ~~[executive]~~  
4972 director.

4973 (2) The ~~[executive]~~ director shall publicly announce information regarding career  
4974 service positions:

4975 (a) for periods of time to be determined by the ~~[executive]~~ director; and

4976 (b) in a manner designed to attract the highest number of qualified applicants.

4977 (3) The ~~[executive]~~ director shall make rules establishing standards for the  
4978 development, approval, and implementation of examining processes, including establishing a  
4979 department approved on the job examination to appoint a qualified person with a disability.

4980 (4) Applicants for employment to Schedule B positions shall be eligible for  
4981 appointment based upon rules established by the ~~[executive]~~ director.

4982 (5) (a) The agency head shall make appointments to fill vacancies from hiring lists for  
4983 probationary periods as defined by rule.

4984 (b) The ~~[executive]~~ director shall make rules establishing probationary periods.

4985 (6) A person serving a probationary period may not use the grievance procedures

4986 provided in this chapter and in Chapter 19a, Grievance Procedures, and may be dismissed at  
4987 any time by the appointing officer without hearing or appeal.

4988 (7) Career service status shall be granted upon the successful completion of the  
4989 probationary period.

4990 Section 119. Section **63A-17-306**, which is renumbered from Section 67-19-18 is  
4991 renumbered and amended to read:

4992 **[67-19-18]. 63A-17-306. Dismissals and demotions -- Grounds -- Disciplinary**  
4993 **action -- Procedure -- Reductions in force.**

4994 (1) A career service employee may be dismissed or demoted:

4995 (a) to advance the good of the public service; or

4996 (b) for just causes, including inefficiency, incompetency, failure to maintain skills or  
4997 adequate performance levels, insubordination, disloyalty to the orders of a superior,  
4998 misfeasance, malfeasance, or nonfeasance in office.

4999 (2) An employee may not be dismissed because of race, sex, age, disability, national  
5000 origin, religion, political affiliation, or other nonmerit factor including the exercise of rights  
5001 under this chapter.

5002 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
5003 [~~executive~~] director shall establish rules governing the procedural and documentary  
5004 requirements of disciplinary dismissals and demotions.

5005 (4) If an agency head finds that a career service employee is charged with aggravated  
5006 misconduct or that retention of a career service employee would endanger the peace and safety  
5007 of others or pose a grave threat to the public interest, the employee may be suspended pending  
5008 the administrative appeal to the department head as provided in Subsection (5).

5009 (5) (a) A career service employee may not be demoted or dismissed unless the  
5010 department head or designated representative has complied with this subsection.

5011 (b) The department head or designated representative notifies the employee in writing  
5012 of the reasons for the dismissal or demotion.

5013 (c) The employee has no less than five working days to reply and have the reply  
5014 considered by the department head.

5015 (d) The employee has an opportunity to be heard by the department head or designated  
5016 representative.

5017 (e) Following the hearing, the employee may be dismissed or demoted if the  
5018 department head finds adequate cause or reason.

5019 (6) (a) Reductions in force required by inadequate funds, change of workload, or lack  
5020 of work are governed by retention points established by the [executive] director.

5021 (b) Under those circumstances:

5022 (i) The agency head shall designate the category of work to be eliminated, subject to  
5023 review by the [executive] director.

5024 (ii) Temporary and probationary employees shall be separated before any career service  
5025 employee.

5026 (iii) (A) When more than one career service employee is affected, the employees shall  
5027 be separated in the order of their retention points, the employee with the lowest points to be  
5028 discharged first.

5029 (B) Retention points for each career service employee shall be computed according to  
5030 rules established by the [executive] director, allowing appropriate consideration for proficiency  
5031 and seniority in state government, including any active duty military service fulfilled  
5032 subsequent to original state appointment.

5033 (c) (i) A career service employee who is separated in a reduction in force under this  
5034 section shall be given preferential consideration when applying for a career service position.

5035 (ii) Preferential consideration under Subsection (6)(c)(i) applies only until the former  
5036 career service employee accepts a career service position.

5037 (iii) The [executive] director shall make rules in accordance with Title 63G, Chapter 3,  
5038 Utah Administrative Rulemaking Act, concerning the manner of granting preferential  
5039 consideration under Subsection (6)(c)(i).

5040 (d) (i) An employee separated due to a reduction in force may appeal to the department  
5041 head for an administrative review.

5042 (ii) The notice of appeal must be submitted within 20 working days after the  
5043 employee's receipt of written notification of separation.

5044 (iii) The employee may appeal the decision of the department head according to the  
5045 grievance and appeals procedure of this chapter and Chapter 19a, Grievance Procedures.

5046 Section 120. Section **63A-17-307**, which is renumbered from Section 67-19-12 is  
5047 renumbered and amended to read:

5048 ~~[67-19-12]~~. 63A-17-307. State pay plans -- Applicability of section --

5049 Exemptions -- Duties of director.

5050 (1) (a) This section, and the rules adopted by the [~~department~~] division to implement  
5051 this section, apply to each career and noncareer employee not specifically exempted under  
5052 Subsection (2).

5053 (b) If not exempted under Subsection (2), an employee is considered to be in classified  
5054 service.

5055 (2) The following employees are exempt from this section:

5056 (a) members of the Legislature and legislative employees;

5057 (b) members of the judiciary and judicial employees;

5058 (c) elected members of the executive branch and employees designated as schedule AC  
5059 as provided under Subsection [~~67-19-15~~] 63A-17-301(1)(c);

5060 (d) employees of the State Board of Education;

5061 (e) officers, faculty, and other employees of state institutions of higher education;

5062 (f) employees in a position that is specified by statute to be exempt from this  
5063 Subsection (2);

5064 (g) employees in the Office of the Attorney General;

5065 (h) department heads and other persons appointed by the governor under statute;

5066 (i) schedule AS employees as provided under Subsection [~~67-19-15~~]  
5067 63A-17-301(1)(m);

5068 (j) department deputy directors, division directors, and other employees designated as  
5069 schedule AD as provided under Subsection [~~67-19-15~~] 63A-17-301(1)(d);

5070 (k) employees that determine and execute policy designated as schedule AR as  
5071 provided under Subsection [~~67-19-15~~] 63A-17-301(1)(l);

5072 (l) teaching staff, educational interpreters, and educators designated as schedule AH as  
5073 provided under Subsection [~~67-19-15~~] 63A-17-301(1)(g);

5074 (m) temporary employees described in Subsection [~~67-19-15~~] 63A-17-301(1)(q);

5075 (n) patients and inmates designated as schedule AU as provided under Subsection  
5076 [~~67-19-15~~] 63A-17-301(1)(o) who are employed by state institutions; and

5077 (o) members of state and local boards and councils and other employees designated as  
5078 schedule AQ as provided under Subsection [~~67-19-15~~] 63A-17-301(1)(k).

5079 (3) (a) The [executive] director shall prepare, maintain, and revise a position  
5080 classification plan for each employee position not exempted under Subsection (2) to provide  
5081 equal pay for equal work.

5082 (b) Classification of positions shall be based upon similarity of duties performed and  
5083 responsibilities assumed, so that the same job requirements and the same salary range may be  
5084 applied equitably to each position in the same class.

5085 (c) The [executive] director shall allocate or reallocate the position of each employee in  
5086 classified service to one of the classes in the classification plan.

5087 (d) (i) The [department] division shall conduct periodic studies and interviews to  
5088 provide that the classification plan remains reasonably current and reflects the duties and  
5089 responsibilities assigned to and performed by employees.

5090 (ii) The [executive] director shall determine the need for studies and interviews after  
5091 considering factors such as changes in duties and responsibilities of positions or agency  
5092 reorganizations.

5093 (4) (a) With the approval of the executive director and the governor, the [executive]  
5094 director shall develop and adopt pay plans for each position in classified service.

5095 (b) The [executive] director shall design each pay plan to achieve, to the degree that  
5096 funds permit, comparability of state salary ranges to the market using data obtained from  
5097 private enterprise and other public employment for similar work.

5098 (c) The [executive] director shall adhere to the following in developing each pay plan:

5099 (i) [Each] each pay plan shall consist of sufficient salary ranges to:

5100 (A) permit adequate salary differential among the various classes of positions in the  
5101 classification plan; and

5102 (B) reflect the normal growth and productivity potential of employees in that class.

5103 (ii) The [executive] director shall issue rules for the administration of pay plans.

5104 (d) The establishing of a salary range is a nondelegable activity and is not appealable  
5105 under the grievance procedures of [~~Sections 67-19-30 through 67-19-32, Chapter 19a,~~  
5106 ~~Grievance Procedures~~] Part 7, Grievance Provisions, Chapter 19a, Grievance Provisions, or  
5107 otherwise.

5108 (e) The [executive] director shall issue rules providing for:

5109 (i) agency approved salary adjustments within approved salary ranges, including an

5110 administrative salary adjustment;

5111 (ii) legislatively approved salary adjustments within approved salary ranges, including  
5112 a merit increase, subject to Subsection (4)(f), or general increase; and

5113 (iii) structure adjustments that modify salary ranges, including a cost of living  
5114 adjustment or market comparability adjustment.

5115 (f) A merit increase shall be granted on a uniform and consistent basis to each  
5116 employee who receives a rating of "successful" or higher in an annual evaluation of the  
5117 employee's productivity and performance.

5118 (5) (a) [By] On or before October 31 of each year, the [~~executive~~] director shall submit  
5119 an annual compensation plan to the executive director and the governor for consideration in the  
5120 executive budget.

5121 (b) The plan described in Subsection (5)(a) may include recommendations, including:

5122 (i) salary increases that generally affect employees, including a general increase or  
5123 merit increase;

5124 (ii) salary increases that address compensation issues unique to an agency or  
5125 occupation;

5126 (iii) structure adjustments, including a cost of living adjustment or market  
5127 comparability adjustment; or

5128 (iv) changes to employee benefits.

5129 (c) (i) (A) Subject to Subsection (5)(c)(i)(B) or (C), the [~~executive~~] director shall  
5130 incorporate the results of a salary survey of a reasonable cross section of comparable positions  
5131 in private and public employment in the state into the annual compensation plan.

5132 (B) The salary survey for a law enforcement officer, as defined in Section [53-13-103](#), a  
5133 correctional officer, as defined in Section [53-13-104](#), or a dispatcher, as defined in Section  
5134 [53-6-102](#), shall at minimum include the three largest political subdivisions in the state that  
5135 employ, respectively, comparable positions.

5136 (C) The salary survey for an examiner or supervisor described in Title 7, Chapter 1,  
5137 Part 2, Department of Financial Institutions, shall at minimum include the Federal Deposit  
5138 Insurance Corporation, Federal Reserve, and National Credit Union Administration.

5139 (ii) The [~~executive~~] director may cooperate with or participate in any survey conducted  
5140 by other public and private employers.

5141 (iii) The [executive] director shall obtain information for the purpose of constructing  
5142 the survey from the Division of Workforce Information and Payment Services and shall include  
5143 employer name, number of persons employed by the employer, employer contact information  
5144 and job titles, county code, and salary if available.

5145 (iv) The [department] division shall acquire and protect the needed records in  
5146 compliance with the provisions of Section 35A-4-312.

5147 (d) The [executive] director may incorporate any other relevant information in the plan  
5148 described in Subsection (5)(a), including information on staff turnover, recruitment data, or  
5149 external market trends.

5150 (e) The [executive] director shall:

5151 (i) establish criteria to assure the adequacy and accuracy of data used to make  
5152 recommendations described in this Subsection (5); and

5153 (ii) when preparing recommendations use accepted methodologies and techniques  
5154 similar to and consistent with those used in the private sector.

5155 (f) (i) Upon request and subject to Subsection (5)(f)(ii), the [department] division shall  
5156 make available foundational information used by the [department] division or director in the  
5157 drafting of a plan described in Subsection (5)(a), including:

5158 (A) demographic and labor market information;

5159 (B) information on employee turnover;

5160 (C) salary information;

5161 (D) information on recruitment; and

5162 (E) geographic data.

5163 (ii) The [department] division may not provide under Subsection (5)(f)(i) information  
5164 or other data that is proprietary or otherwise protected under the terms of a contract or by law.

5165 (g) The governor shall:

5166 (i) consider salary and structure adjustments recommended under Subsection (5)(b) in  
5167 preparing the executive budget and shall recommend the method of distributing the  
5168 adjustments;

5169 (ii) submit compensation recommendations to the Legislature; and

5170 (iii) support the recommendation with schedules indicating the cost to individual  
5171 departments and the source of funds.

5172 (h) If funding is approved by the Legislature in a general appropriations act, the  
5173 adjustments take effect on the July 1 following the enactment unless otherwise indicated.

5174 (6) (a) The [executive] director shall issue rules for the granting of incentive awards,  
5175 including awards for cost saving actions, awards for commendable actions by an employee, or  
5176 a market-based award to attract or retain employees.

5177 (b) An agency may not grant a market-based award unless the award is previously  
5178 approved by the [department] division.

5179 (c) In accordance with Subsection (6)(b), an agency requesting the [department's]  
5180 division's approval of a market-based award shall submit a request and documentation, subject  
5181 to Subsection (6)(d), to the [department] division.

5182 (d) In the documentation required in Subsection (6)(c), the requesting agency shall  
5183 identify for the [department] division:

5184 (i) any benefit the market-based award would provide for the agency, including:

5185 (A) budgetary advantages; or

5186 (B) recruitment advantages;

5187 (ii) a mission critical need to attract or retain unique or hard to find skills in the market;

5188 or

5189 (iii) any other advantage the agency would gain through the utilization of a  
5190 market-based award.

5191 (7) (a) The [executive] director shall regularly evaluate the total compensation program  
5192 of state employees in the classified service.

5193 (b) The [department] division shall determine if employee benefits are comparable to  
5194 those offered by other private and public employers using information from:

5195 (i) a study conducted by a third-party consultant; or

5196 (ii) the most recent edition of a nationally recognized benefits survey.

5197 Section 121. Section **63A-17-401**, which is renumbered from Section 67-19-13 is  
5198 renumbered and amended to read:

5199 **Part 4. Payroll**

5200 ~~[67-19-13]~~. **63A-17-401. Examination of payrolls and certification of employee**  
5201 **eligibility by the director.**

5202 (1) The [executive] director may examine payrolls at any time to determine conformity

5203 with this chapter and [~~the regulations~~] administrative rules.

5204 (2) No new employee shall be hired in a position covered by this chapter, and no  
5205 employee shall be changed in pay, title or status, nor shall any employee be paid unless  
5206 certified by the [~~executive~~] director as eligible under the provisions of or [~~regulations~~  
5207 ~~promulgated~~] rules made pursuant to this chapter.

5208 Section 122. Section **63A-17-402**, which is renumbered from Section 67-19-13.5 is  
5209 renumbered and amended to read:

5210 **~~[67-19-13.5]~~. 63A-17-402. Division provides payroll services to executive**  
5211 **branch agencies -- Report.**

5212 (1) As used in this section:

5213 (a) (i) "Executive branch entity" means a department, division, agency, board, or office  
5214 within the executive branch of state government that employs a person who is paid through the  
5215 central payroll system developed by the Division of Finance as of December 31, 2011.

5216 (ii) "Executive branch entity" does not include:

5217 (A) the Office of the Attorney General;

5218 (B) the Office of the State Treasurer;

5219 (C) the Office of the State Auditor;

5220 (D) the Department of Transportation;

5221 (E) the [~~Department~~] Division of Technology Services;

5222 (F) the Department of Public Safety;

5223 (G) the Department of Natural Resources; or

5224 (H) the Utah Schools for the Deaf and the Blind.

5225 (b) (i) "Payroll services" means using the central payroll system as directed by the  
5226 Division of Finance to:

5227 (A) enter and validate payroll reimbursements, which include reimbursements for  
5228 mileage, a service award, and other wage types;

5229 (B) calculate, process, and validate a retirement;

5230 (C) enter a leave adjustment; and

5231 (D) certify payroll by ensuring an entry complies with a rule or policy adopted by the  
5232 department or the Division of Finance.

5233 (ii) "Payroll services" does not mean:

5234 (A) a function related to payroll that is performed by an employee of the Division of  
5235 Finance;

5236 (B) a function related to payroll that is performed by an executive branch agency on  
5237 behalf of a person who is not an employee of the executive branch agency;

5238 (C) the entry of time worked by an executive branch agency employee into the central  
5239 payroll system; or

5240 (D) approval or verification by a supervisor or designee of the entry of time worked.

5241 (2) The [~~department~~] division shall provide payroll services to all executive branch  
5242 entities.

5243 (3) After September 19, 2012, an executive branch entity, other than the [~~department~~]  
5244 division or the Division of Finance, may not create a full-time equivalent position or part-time  
5245 position, or request an appropriation to fund a full-time equivalent position or part-time  
5246 position for the purpose of providing payroll services to the entity.

5247 Section 123. Section **63A-17-403**, which is renumbered from Section 67-19-42 is  
5248 renumbered and amended to read:

5249 ~~[67-19-42]~~. **63A-17-403. Employee cost disclosure.**

5250 The Division of Finance shall, at least annually, plainly disclose to all state employees  
5251 the costs of compensation and benefits that are paid by the state in dollar figures.

5252 Section 124. Section **63A-17-501** is enacted to read:

5253 **Part 5. Hours and Leave**

5254 **63A-17-501. Definitions.**

5255 As used in this part:

5256 (1) "Continuing medical and life insurance benefits" means the state provided policy of  
5257 medical insurance and the state provided portion of a policy of life insurance, each offered at  
5258 the same:

5259 (a) benefit level and the same proportion of state/member participation in the total  
5260 premium costs as an active member as defined in Section 49-11-102; and

5261 (b) coverage level for a member, two person, or family policy as provided to the  
5262 member at the time of retirement.

5263 (2) "Converted sick leave" means leave that has been converted from unused sick leave  
5264 in accordance with Section 63A-17-506 which may be used by an employee in the same

5265 manner as:

5266 (a) annual leave;

5267 (b) sick leave; or

5268 (c) unused accumulated sick leave after the employee's retirement for the purchase of  
 5269 continuing medical and life insurance benefits under Sections [63A-17-507](#), [63A-17-508](#), and  
 5270 [63A-17-804](#).

5271 Section 125. Section **63A-17-502**, which is renumbered from Section 67-19-6.7 is  
 5272 renumbered and amended to read:

5273 ~~[67-19-6.7].~~ **63A-17-502. Overtime policies for state employees.**

5274 (1) As used in this section:

5275 (a) "Accrued overtime hours" means:

5276 (i) for nonexempt employees, overtime hours earned during a fiscal year that, at the end  
 5277 of the fiscal year, have not been paid and have not been taken as time off by the nonexempt  
 5278 state employee who accrued them; and

5279 (ii) for exempt employees, overtime hours earned during an overtime year.

5280 (b) "Appointed official" means:

5281 (i) each department executive director and deputy director, each division director, and  
 5282 each member of a board or commission; and

5283 (ii) any other person employed by a department who is appointed by, or whose  
 5284 appointment is required by law to be approved by, the governor and who:

5285 (A) is paid a salary by the state; and

5286 (B) who exercises managerial, policy-making, or advisory responsibility.

5287 (c) "Department" means the Department of [~~Administrative Services~~] Government

5288 Operations, the Department of Corrections, the Department of Financial Institutions, the  
 5289 Department of Alcoholic Beverage Control, the Insurance Department, the Public Service  
 5290 Commission, the Labor Commission, the Department of Agriculture and Food, the Department  
 5291 of Human Services, the Department of Natural Resources, [~~the Department of Technology~~  
 5292 ~~Services~~], the Department of Transportation, the Department of Commerce, the Department of  
 5293 Workforce Services, the State Tax Commission, the Department of Heritage and Arts, the  
 5294 Department of Health, the National Guard, the Department of Environmental Quality, the  
 5295 Department of Public Safety, [~~the Department of Human Resource Management~~], the

5296 Commission on Criminal and Juvenile Justice, all merit employees except attorneys in the  
5297 Office of the Attorney General, merit employees in the Office of the State Treasurer, merit  
5298 employees in the Office of the State Auditor, Department of Veterans and Military Affairs, and  
5299 the Board of Pardons and Parole.

5300 (d) "Elected official" means any person who is an employee of the state because the  
5301 person was elected by the registered voters of Utah to a position in state government.

5302 (e) "Exempt employee" means a state employee who is exempt as defined by the Fair  
5303 Labor Standards Act of 1978, 29 U.S.C. Sec. 201 et seq.

5304 (f) "FLSA" means the Fair Labor Standards Act of 1978, 29 U.S.C. Sec. 201 et seq.

5305 (g) "FLSA agreement" means the agreement authorized by the Fair Labor Standards  
5306 Act of 1978, 29 U.S.C. Sec. 201 et seq., by which a nonexempt employee elects the form of  
5307 compensation the nonexempt employee will receive for overtime.

5308 (h) "Nonexempt employee" means a state employee who is nonexempt as defined by  
5309 the ~~[Department of Human Resource Management]~~ division applying FLSA requirements.

5310 (i) "Overtime" means actual time worked in excess of the employee's defined work  
5311 period.

5312 (j) "Overtime year" means the year determined by a department under Subsection  
5313 (4)(b) at the end of which an exempt employee's accrued overtime lapses.

5314 (k) "State employee" means every person employed by a department who is not:

5315 (i) an appointed official;

5316 (ii) an elected official; or

5317 (iii) a member of a board or commission who is paid only for per diem or travel  
5318 expenses.

5319 (l) "Uniform annual date" means the date when an exempt employee's accrued  
5320 overtime lapses.

5321 (m) "Work period" means:

5322 (i) for all nonexempt employees, except law enforcement and hospital employees, a  
5323 consecutive seven day 24 hour work period of 40 hours;

5324 (ii) for all exempt employees, a 14 day, 80 hour payroll cycle; and

5325 (iii) for nonexempt law enforcement and hospital employees, the period established by  
5326 each department by rule for those employees according to the requirements of the Fair Labor

5327 Standards Act of 1978, 29 U.S.C. Sec. 201 et seq.

5328 (2) Each department shall compensate each state employee who works overtime by  
5329 complying with the requirements of this section.

5330 (3) (a) Each department shall negotiate and obtain a signed FLSA agreement from each  
5331 nonexempt employee.

5332 (b) In the FLSA agreement, the nonexempt employee shall elect either to be  
5333 compensated for overtime by:

5334 (i) taking time off work at the rate of one and one-half hour off for each overtime hour  
5335 worked; or

5336 (ii) being paid for the overtime worked at the rate of one and one-half times the rate per  
5337 hour that the state employee receives for nonovertime work.

5338 (c) Any nonexempt employee who elects to take time off under this Subsection (3)  
5339 shall be paid for any overtime worked in excess of the cap established by the [~~Department of~~  
5340 ~~Human Resource Management~~] division.

5341 (d) Before working any overtime, each nonexempt employee shall obtain authorization  
5342 to work overtime from the employee's immediate supervisor.

5343 (e) Each department shall:

5344 (i) for employees who elect to be compensated with time off for overtime, allow  
5345 overtime earned during a fiscal year to be accumulated; and

5346 (ii) for employees who elect to be paid for overtime worked, pay them for overtime  
5347 worked in the paycheck for the pay period in which the employee worked the overtime.

5348 (f) If [~~the~~] a department pays a nonexempt employee for overtime, [~~the~~] that  
5349 department shall charge that payment to [~~the~~] that department's budget.

5350 (g) At the end of each fiscal year, the Division of Finance shall total all the accrued  
5351 overtime hours for nonexempt employees and charge that total against the appropriate fund or  
5352 subfund.

5353 (4) (a) (i) Except as provided in Subsection (4)(a)(ii), each department shall  
5354 compensate exempt employees who work overtime by granting them time off at the rate of one  
5355 hour off for each hour of overtime worked.

5356 (ii) The [~~executive~~] director of the [~~Department of Human Resource Management~~]  
5357 division may grant limited exceptions to this requirement, where work circumstances dictate,

5358 by authorizing a department to pay employees for overtime worked at the rate per hour that the  
5359 employee receives for nonovertime work, if ~~the~~ that department has funds available.

5360 (b) (i) Each department shall:

5361 (A) establish in its written human resource policies a uniform annual date for each  
5362 division that is at the end of any pay period; and

5363 (B) communicate the uniform annual date to its employees.

5364 (ii) If any department fails to establish a uniform annual date as required by this

5365 Subsection (4), the ~~[executive]~~ director of the ~~[Department of Human Resource Management]~~  
5366 division, in conjunction with the director of the Division of Finance, shall establish the date for  
5367 that department.

5368 (c) (i) Any overtime earned under this Subsection (4) is not an entitlement, is not a  
5369 benefit, and is not a vested right.

5370 (ii) A court may not construe the overtime for exempt employees authorized by this  
5371 Subsection (4) as an entitlement, a benefit, or as a vested right.

5372 (d) At the end of the overtime year, upon transfer to another department at any time,  
5373 and upon termination, retirement, or other situations where the employee will not return to  
5374 work before the end of the overtime year:

5375 (i) any of an exempt employee's overtime that is more than the maximum established  
5376 by ~~[the Department of Human Resource Management]~~ division rule lapses; and

5377 (ii) unless authorized by the ~~[executive]~~ director of the ~~[Department of Human~~  
5378 ~~Resource Management]~~ division under Subsection (4)(a)(ii), a department may not compensate  
5379 the exempt employee for that lapsed overtime by paying the employee for the overtime or by  
5380 granting the employee time off for the lapsed overtime.

5381 (e) Before working any overtime, each exempt employee shall obtain authorization to  
5382 work overtime from the exempt employee's immediate supervisor.

5383 (f) If ~~the~~ a department pays an exempt employee for overtime under authorization  
5384 from the ~~[executive]~~ director of the ~~[Department of Human Resource Management, the]~~  
5385 division, that department shall charge that payment to ~~the~~ that department's budget in the pay  
5386 period earned.

5387 (5) The ~~[Department of Human Resource Management]~~ division shall:

5388 (a) ensure that the provisions of the FLSA and this section are implemented throughout

5389 state government;

5390 (b) determine, for each state employee, whether that employee is exempt, nonexempt,  
5391 law enforcement, or has some other status under the FLSA;

5392 (c) in coordination with modifications to the systems operated by the Division of  
5393 Finance, make rules:

5394 (i) establishing procedures for recording overtime worked that comply with FLSA  
5395 requirements;

5396 (ii) establishing requirements governing overtime worked while traveling and  
5397 procedures for recording that overtime that comply with FLSA requirements;

5398 (iii) establishing requirements governing overtime worked if the employee is "on call"  
5399 and procedures for recording that overtime that comply with FLSA requirements;

5400 (iv) establishing requirements governing overtime worked while an employee is being  
5401 trained and procedures for recording that overtime that comply with FLSA requirements;

5402 (v) subject to the FLSA, establishing the maximum number of hours that a nonexempt  
5403 employee may accrue before a department is required to pay the employee for the overtime  
5404 worked;

5405 (vi) subject to the FLSA, establishing the maximum number of overtime hours for an  
5406 exempt employee that do not lapse; and

5407 (vii) establishing procedures for adjudicating appeals of any FLSA determinations  
5408 made by the [~~Department of Human Resource Management~~] division as required by this  
5409 section;

5410 (d) monitor departments for compliance with the FLSA; and

5411 (e) recommend to the Legislature and the governor any statutory changes necessary  
5412 because of federal government action.

5413 (6) (a) In coordination with the procedures for recording overtime worked established  
5414 in rule by the [~~Department of Human Resource Management~~] division, the Division of Finance  
5415 shall modify its payroll and human resource systems to accommodate those procedures.

5416 [~~(a)~~] (b) Notwithstanding the procedures and requirements of Title 63G, Chapter 4,  
5417 Administrative Procedures Act, Section [~~67-19-31~~] 63A-17-602, and Section 67-19a-301, any  
5418 employee who is aggrieved by the FLSA designation made by the [~~Department of Human~~  
5419 ~~Resource Management~~] division as required by this section may appeal that determination to

5420 the ~~[executive]~~ director of the ~~[Department of Human Resource Management]~~ division by  
5421 following the procedures and requirements established in ~~[Department of Human Resource~~  
5422 ~~Management]~~ division rule.

5423 ~~[(b)]~~ (c) Upon receipt of an appeal under this section, the ~~[executive]~~ director shall  
5424 notify the executive director of the employee's department that the appeal has been filed.

5425 ~~[(c)]~~ (d) If the employee is aggrieved by the decision of the ~~[executive director of the~~  
5426 ~~Department of Human Resource Management]~~ director, the employee shall appeal that  
5427 determination to the Department of Labor, Wage and Hour Division, according to the  
5428 procedures and requirements of federal law.

5429 Section 126. Section **63A-17-503**, which is renumbered from Section 67-19-12.7 is  
5430 renumbered and amended to read:

5431 ~~[67-19-12.7]~~. **63A-17-503. Accumulated annual leave -- Conversion to**  
5432 **deferred compensation plan.**

5433 (1) The ~~[department]~~ division shall implement a program whereby an employee may,  
5434 upon termination of employment or retirement, elect to convert any unused annual leave into  
5435 any of the employee's designated deferred compensation accounts that:

5436 (a) are sponsored by the Utah State Retirement Board; and

5437 (b) are qualified under Section 401(k) or Section 457 of the Internal Revenue Code.

5438 (2) Any annual leave converted under Subsection (1) shall be converted into the  
5439 employee's deferred compensation account at the employee's pay rate at the time of termination  
5440 or retirement.

5441 (3) No employee may convert hours of accrued annual leave to the extent that any  
5442 hours so converted would exceed the maximum amount authorized by the Internal Revenue  
5443 Code for each calendar year.

5444 Section 127. Section **63A-17-504**, which is renumbered from Section 67-19-12.9 is  
5445 renumbered and amended to read:

5446 ~~[67-19-12.9]~~. **63A-17-504. Accumulated annual leave -- Annual**  
5447 **conversion to deferred compensation plan.**

5448 (1) If the Legislature in an annual appropriations act with accompanying intent  
5449 language specifically authorizes and fully funds the estimated costs of this use, the  
5450 ~~[department]~~ division shall implement a program that allows an employee, in the approved

5451 calendar year, to elect to convert up to 20 hours of annual leave, in whole hour increments not  
 5452 to exceed \$250 in value, into any of the employee's designated deferred compensation accounts  
 5453 that:

5454 (a) are sponsored by the Utah State Retirement Board; and

5455 (b) are qualified under Section 401(k) or Section 457 of the Internal Revenue Code.

5456 (2) Any annual leave converted under Subsection (1) shall be:

5457 (a) converted into the employee's deferred compensation account at the employee's pay  
 5458 rate at the time of conversion; and

5459 (b) calculated in the last pay period of the leave year as determined by the Division of  
 5460 Finance.

5461 (3) An employee may not convert hours of accrued annual leave to the extent that any  
 5462 hours converted would:

5463 (a) exceed the maximum amount authorized by the Internal Revenue Code for the  
 5464 calendar year; or

5465 (b) cause the employee's balance of accumulated annual leave to drop below the  
 5466 maximum accrual limit provided by rule.

5467 Section 128. Section **63A-17-505**, which is renumbered from Section 67-19-14 is  
 5468 renumbered and amended to read:

5469 ~~[67-19-14].~~ **63A-17-505. Sick leave -- Definitions -- Unused sick days retirement**  
 5470 **programs -- Rulemaking.**

5471 ~~[(1) As used in this section through Section 67-19-14.4:]~~

5472 ~~[(a) "Continuing medical and life insurance benefits" means the state provided policy~~  
 5473 ~~of medical insurance and the state provided portion of a policy of life insurance, each offered at~~  
 5474 ~~the same:]~~

5475 ~~[(i) benefit level and the same proportion of state/member participation in the total~~  
 5476 ~~premium costs as an active member as defined in Section 49-11-102; and]~~

5477 ~~[(ii) coverage level for a member, two person, or family policy as provided to the~~  
 5478 ~~member at the time of retirement.]~~

5479 ~~[(b) "Converted sick leave" means leave that has been converted from unused sick~~  
 5480 ~~leave in accordance with Section 67-19-14.1 which may be used by an employee in the same~~  
 5481 ~~manner as:]~~

5482           ~~[(i) annual leave;]~~  
5483           ~~[(ii) sick leave; or]~~  
5484           ~~[(iii) unused accumulated sick leave after the employee's retirement for the purchase of~~  
5485 ~~continuing medical and life insurance benefits under Sections [67-19-14.2](#), [67-19-14.3](#), and~~  
5486 ~~[67-19-14.4](#).]~~

5487           ~~[(2)]~~ (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
5488 Act, the ~~[executive]~~ director shall make rules:

5489           (a) for the procedures to implement the provisions of this section through Section  
5490 ~~[[67-19-14.4](#)]~~ [63A-17-508](#); and

5491           (b) to establish the maximum number of hours of converted sick leave an employee  
5492 may accrue.

5493           ~~[(3)]~~ (2) The Division of Finance shall develop and maintain a system of accounting  
5494 for employee sick leave and converted sick leave as necessary to implement the provisions of  
5495 this section through Section ~~[[67-19-14.4](#)]~~ [63A-17-508](#).

5496           Section 129. Section **63A-17-506**, which is renumbered from Section 67-19-14.1 is  
5497 renumbered and amended to read:

5498           ~~[[67-19-14.1](#)].~~           **63A-17-506. Converted sick leave.**

5499           Converted sick leave hours that are not used prior to an employee's retirement date shall  
5500 be used under the:

5501           (1) Unused Sick Leave Retirement Option Program I under Section ~~[[67-19-14.2](#)]~~  
5502 [63A-17-507](#) if earned prior to January 1, 2006, unless the transfer is made under Subsection  
5503 ~~[[67-19-14.4](#)]~~ [63A-17-508](#)(1)(c); or

5504           (2) Unused Sick Leave Retirement Option Program II under Section ~~[[67-19-14.4](#)]~~  
5505 [63A-17-508](#) if earned on or after January 1, 2006.

5506           Section 130. Section **63A-17-507**, which is renumbered from Section 67-19-14.2 is  
5507 renumbered and amended to read:

5508           ~~[[67-19-14.2](#)].~~           **63A-17-507. Unused Sick Leave Retirement Option Program**  
5509 **I -- Creation -- Payout upon eligibility for allowance -- Continuing medical and life**  
5510 **insurance benefits after retirement.**

5511           (1) (a) There is created the "Unused Sick Leave Retirement Option Program I."

5512           (b) An agency may offer the Unused Sick Leave Retirement Option Program I to an

5513 employee who is eligible to receive a retirement allowance in accordance with Title 49, Utah  
5514 State Retirement and Insurance Benefit Act.

5515 (2) The Unused Sick Leave Retirement Option Program I provides that upon becoming  
5516 eligible to receive a retirement allowance an employee who was employed by the state prior to  
5517 January 1, 2006:

5518 (a) receives a contribution under Subsection (3) for 25% of the employee's unused  
5519 accumulated sick leave accrued prior to January 1, 2006, at the employee's rate of pay at the  
5520 time of retirement; and

5521 (b) may purchase additional continuing medical and life insurance benefits in  
5522 accordance with Subsection (4).

5523 (3) (a) Subject to federal requirements and limitations, the contribution under  
5524 Subsection (2)(a) shall be transferred directly to the employee's defined contribution plan  
5525 qualified under Section 401(k) of the Internal Revenue Code which is sponsored by the Utah  
5526 State Retirement Board.

5527 (b) If the amount calculated under Subsection (2)(a) exceeds the federal contribution  
5528 limitations, the employee's unused accumulated sick leave hours representing the excess shall  
5529 be used for the purchase of continuing medical and life insurance benefits under Subsection  
5530 (4).

5531 (4) (a) An employee may purchase continuing medical and life insurance benefits, at  
5532 the rate of one month's coverage per policy for eight hours of unused sick leave remaining after  
5533 the contribution of unused sick leave under Subsection (2)(a).

5534 (b) The medical coverage level for member, two person, or family coverage that is  
5535 provided to the member at the time of retirement is the maximum coverage level available to  
5536 the member under this program.

5537 (c) The purchase of continuing medical and life insurance benefits at the rate provided  
5538 under Subsection (4)(a) may be used by the employee to extend coverage:

5539 (i) until the employee reaches the age of eligibility for Medicare; or

5540 (ii) if the employee has reached the age of eligibility for Medicare, continuing medical  
5541 benefits for the employee's spouse may be purchased until the employee's spouse reaches the  
5542 age of eligibility for Medicare.

5543 (d) An employee and the employee's spouse who are or who later become eligible for

5544 Medicare may purchase Medicare supplemental insurance at the rate of one month's coverage  
5545 for eight hours of the employee's unused sick leave per person.

5546 (5) (a) The continuing medical and life insurance benefits purchased by an employee  
5547 under Subsection (4):

5548 (i) may not be suspended or deferred for future use; and

5549 (ii) continues in effect until exhausted.

5550 (b) An employer participating in the Program I benefits under this section may not  
5551 provide medical or life insurance benefits to a person who is:

5552 (i) reemployed after retirement; and

5553 (ii) receiving benefits under this section.

5554 Section 131. Section **63A-17-508**, which is renumbered from Section 67-19-14.4 is  
5555 renumbered and amended to read:

5556 **[67-19-14.4]. 63A-17-508. Unused Sick Leave Retirement Program II --**  
5557 **Creation -- Remuneration upon eligibility for allowance -- Medical expense account after**  
5558 **retirement.**

5559 (1) (a) There is created the "Unused Sick Leave Retirement Program II."

5560 (b) An agency shall offer the Unused Sick Leave Retirement Option Program II to an  
5561 employee who is eligible to receive a retirement allowance in accordance with Title 49, Utah  
5562 State Retirement and Insurance Benefit Act.

5563 (c) An employee who is participating in the Unused Sick Leave Retirement Program I  
5564 under Section [~~67-19-14.2~~] [63A-17-507](#) may make a one-time and irrevocable election to  
5565 transfer all unused sick leave hours which shall include all converted sick leave hours under  
5566 Section [~~67-19-14.1~~] [63A-17-506](#) for use under the Unused Sick Leave Retirement Program II  
5567 under this section.

5568 (2) (a) The Unused Sick Leave Retirement Program II provides that upon becoming  
5569 eligible to receive a retirement allowance an employee employed by the state between January  
5570 1, 2006, and January 3, 2014, shall receive remuneration for the employee's unused  
5571 accumulated sick leave and converted sick leave accrued between January 1, 2006, and January  
5572 3, 2014, in accordance with this section as follows:

5573 (i) subject to federal requirements and limitations, a contribution at the employee's rate  
5574 of pay at the time of retirement for 25% of the employee's unused accumulated sick leave and

5575 converted sick leave shall be transferred directly to the employee's defined contribution plan  
5576 qualified under Section 401(k) of the Internal Revenue Code which is sponsored by the Utah  
5577 State Retirement Board; and

5578 (ii) participation in a benefit plan that provides for reimbursement for medical  
5579 expenses using money deposited at the employee's rate of pay at the time of retirement from  
5580 remaining unused accumulated sick leave and converted sick leave balances.

5581 (b) If the amount calculated under Subsection (2)(a)(i) exceeds the federal contribution  
5582 limitations, the amount representing the excess shall be deposited under Subsection (2)(a)(ii).

5583 (c) An employee's rate of pay at the time of retirement for purposes of Subsection  
5584 (2)(a)(ii) may not be less than the average rate of pay of state employees who retired in the  
5585 same retirement system under Title 49, Utah State Retirement and Insurance Benefit Act,  
5586 during the previous calendar year.

5587 (3) The Utah State Retirement Office shall develop and maintain a program to provide  
5588 a benefit plan that provides for reimbursement for medical expenses under Subsection (2)(a)(ii)  
5589 with money deposited under Subsection (2)(a)(ii).

5590 Section 132. Section **63A-17-509**, which is renumbered from Section 67-19-14.5 is  
5591 renumbered and amended to read:

5592 ~~[67-19-14.5]~~. **63A-17-509. Organ donor leave.**

5593 (1) An employee who serves as a bone marrow donor shall be granted a paid leave of  
5594 absence of up to seven days that are necessary for the donation and recovery from the donation.

5595 (2) An employee who serves as a donor of a human organ shall be granted a paid leave  
5596 of absence of up to 30 days that are necessary for the donation and recovery from the donation.

5597 (3) In recognition of National Donate Life Month, 2015, created by Proclamation No.  
5598 9248, 80 F.R. 18511 (April 1, 2015), the department shall distribute an electronic message to  
5599 each employee during the month of April publicizing the leave offered under this section.

5600 Section 133. Section **63A-17-510**, which is renumbered from Section 67-19-14.6 is  
5601 renumbered and amended to read:

5602 ~~[67-19-14.6]~~. **63A-17-510. Annual leave -- Definitions -- Previously**  
5603 **accrued hours -- Recognition of liability.**

5604 (1) As used in this section:

5605 (a) (i) "Annual leave II" means leave hours an employing agency provides to an

5606 employee, beginning on the change date established in Subsection (2), as time off from work  
5607 for personal use without affecting the employee's pay.

5608 (ii) "Annual leave II" does not include:

5609 (A) legal holidays under Section 63G-1-301;

5610 (B) time off as compensation for actual time worked in excess of an employee's  
5611 defined work period;

5612 (C) sick leave;

5613 (D) paid or unpaid administrative leave; or

5614 (E) other paid or unpaid leave from work provided by state statute, administrative rule,  
5615 or by federal law or regulation.

5616 (b) "Change date" means the date established by the Division of Finance under  
5617 Subsection (2) when annual leave II begins for a state agency.

5618 (2) In accordance with the Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
5619 the Division of Finance shall establish a date that is no later than January 2, 2016, when a state  
5620 agency shall offer annual leave II in lieu of annual leave to an employee who is eligible to  
5621 receive paid leave.

5622 (3) An employing agency shall allow an employee who has an unused balance of  
5623 accrued annual leave before the change date, to use the annual leave under the same rules that  
5624 applied to the leave on the change date.

5625 (4) (a) At the time of employee accrual of annual leave II, an employing agency shall  
5626 set aside the cost of each hour of annual leave II for each eligible employee in an amount  
5627 determined in accordance with rules made by the Division of Finance.

5628 (b) The rules made under Subsection (4)(a) shall consider:

5629 (i) the employee hourly rate of pay;

5630 (ii) applicable employer paid taxes that would be required if the employee was paid for  
5631 the annual leave II instead of using it for time off;

5632 (iii) other applicable employer paid benefits; and

5633 (iv) adjustments due to employee hourly rate changes, including the effect on accrued  
5634 annual leave II balances.

5635 (c) The Division of Finance shall provide that the amount of costs set aside under  
5636 Subsection (4)(a) and deposited into the fund increase by at least the projected increase in

5637 annual leave liability for that year, until the year-end trust fund balances are reached as required  
5638 under Subsection [67-19f-201\(3\)\(b\)](#).

5639 (5) The cost set aside under Subsection (4) shall be deposited by the Division of  
5640 Finance into the State Employees' Annual Leave Trust Fund created in Section [67-19f-201](#).

5641 (6) For annual leave hours accrued before the change date, an employing agency shall  
5642 continue to comply with the Division of Finance requirements for contributions to the  
5643 termination pool.

5644 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:

5645 (a) the ~~[department]~~ division shall make rules for the accrual and use of annual leave II  
5646 provided under this section; and

5647 (b) the Division of Finance shall make rules for the set aside provisions under  
5648 Subsections (4) and (5).

5649 Section 134. Section **63A-17-511 (Effective 07/01/21)**, which is renumbered from  
5650 Section [67-19-14.7 \(Effective 07/01/21\)](#) is renumbered and amended to read:

5651 ~~[\[67-19-14.7 \(Effective 07/01/21\)\]](#)~~. **63A-17-511 (Effective 07/01/21)**. **Postpartum**  
5652 **recovery leave.**

5653 (1) As used in this section:

5654 (a) "Eligible employee" means an employee who:

5655 (i) is in a position that receives retirement benefits under Title 49, Utah State  
5656 Retirement and Insurance Benefit Act;

5657 (ii) accrues paid leave benefits that can be used in the current and future calendar years;

5658 (iii) is not reemployed as defined in Section [49-11-1202](#); and

5659 (iv) gives birth to a child.

5660 (b) "Postpartum recovery leave" means leave hours a state employer provides to an  
5661 eligible employee to recover from childbirth.

5662 (c) "Retaliatory action" means to do any of the following to an employee:

5663 (i) dismiss the employee;

5664 (ii) reduce the employee's compensation;

5665 (iii) fail to increase the employee's compensation by an amount that the employee is  
5666 otherwise entitled to or was promised;

5667 (iv) fail to promote the employee if the employee would have otherwise been

5668 promoted; or

5669 (v) threaten to take an action described in Subsections (1)(c)(i) through (iv).

5670 (d) (i) "State employer" means:

5671 (A) a state executive branch agency, including the State Tax Commission, the National  
5672 Guard, and the Board of Pardons and Parole;

5673 (B) the legislative branch of the state; or

5674 (C) the judicial branch of the state.

5675 (ii) "State employer" does not include:

5676 (A) an institute of higher education;

5677 (B) the Utah Board of Higher Education;

5678 (C) the State Board of Education;

5679 (D) an independent entity as defined in Section [63E-1-102](#);

5680 (E) the Attorney General's Office;

5681 (F) the State Auditor's Office; or

5682 (G) the State Treasurer's Office.

5683 (2) (a) Except as provided in Subsection (3), a state employer shall allow an eligible  
5684 employee to use up to 120 hours of paid postpartum recovery leave based on a 40-hour work  
5685 week for recovery from childbirth.

5686 (b) A state employer shall allow an eligible employee who is part-time or who works in  
5687 excess of a 40-hour work week or its equivalent to use the amount of postpartum recovery  
5688 leave available to the eligible employee under this section on a pro rata basis as adopted by rule  
5689 by the [~~department~~] division under Subsection (11).

5690 (3) (a) Postpartum recovery leave described in Subsection (2):

5691 (i) shall be used starting on the day on which the eligible employee gives birth, unless a  
5692 health care provider certifies that an earlier start date is medically necessary;

5693 (ii) shall be used in a single continuous period; and

5694 (iii) runs concurrently with any leave authorized under the Family and Medical Leave  
5695 Act of 1993, 29 U.S.C. Sec. 2601 et seq.

5696 (b) The amount of postpartum recovery leave authorized under Subsection (2) does not  
5697 increase if an eligible employee has more than one child born from the same pregnancy.

5698 (4) (a) Except as provided in Subsection (4)(b), an eligible employee shall give the

5699 state employer notice at least 30 days before the day on which the eligible employee plans to:

5700 (i) begin using postpartum recovery leave under this section; and

5701 (ii) stop using postpartum recovery leave under this section.

5702 (b) If circumstances beyond the eligible employee's control prevent the eligible  
5703 employee from giving notice in accordance with Subsection (4)(a), the eligible employee shall  
5704 give each notice described in Subsection (4)(a) as soon as reasonably practicable.

5705 (5) A state employer may not charge postpartum recovery leave under this section  
5706 against sick, annual, or other leave.

5707 (6) A state employer may not compensate an eligible employee for any unused  
5708 postpartum recovery leave upon termination of employment.

5709 (7) (a) Following the expiration of an eligible employee's postpartum recovery leave  
5710 under this section, the state employer shall ensure that the eligible employee may return to:

5711 (i) the position that the eligible employee held before using postpartum recovery leave;  
5712 or

5713 (ii) a position within the state employer that is equivalent in seniority, status, benefits,  
5714 and pay to the position that the eligible employee held before using postpartum recovery leave.

5715 (b) If during the time an eligible employee uses postpartum recovery leave under this  
5716 section the state employer experiences a reduction in force and, as part of the reduction in  
5717 force, the eligible employee would have been separated had the eligible employee not been  
5718 using the postpartum recovery leave, the state employer may separate the eligible employee in  
5719 accordance with any applicable process or procedure as if the eligible employee were not using  
5720 the postpartum recovery leave.

5721 (8) During the time an eligible employee uses postpartum recovery leave under this  
5722 section, the eligible employee shall continue to receive all employment related benefits and  
5723 payments at the same level that the eligible employee received immediately before beginning  
5724 the postpartum leave, provided that the eligible employee pays any required employee  
5725 contributions.

5726 (9) A state employer may not:

5727 (a) interfere with or otherwise restrain an eligible employee from using postpartum  
5728 recovery leave in accordance with this section; or

5729 (b) take retaliatory action against an eligible employee for using postpartum recovery

5730 leave in accordance with this section.

5731 (10) A state employer shall provide each employee written information regarding an  
5732 eligible employee's right to use postpartum recovery leave under this section.

5733 (11) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
5734 the [~~department~~] division shall, by July 1, 2021, make rules for the use and administration of  
5735 postpartum recovery leave under this section, including a schedule that provides paid or  
5736 postpartum recovery leave for an eligible employee who is part-time or who works in excess of  
5737 a 40-hour work week on a pro rata basis.

5738 Section 135. Section **63A-17-512**, which is renumbered from Section 67-19-27 is  
5739 renumbered and amended to read:

5740 ~~[67-19-27]~~. **63A-17-512. Leave of absence with pay for employees with a**  
5741 **disability who are covered under other civil service systems.**

5742 (1) As used in this section:

5743 (a) "Eligible officer" means a person who qualifies for a benefit under this section.

5744 (b) (i) "Law enforcement officer" means a sworn and certified peace officer who is an  
5745 employee of a law enforcement agency that is part of or administered by the state, and whose  
5746 primary and principal duties consist of the prevention and detection of crime and the  
5747 enforcement of criminal statutes of this state.

5748 (ii) "Law enforcement officer" specifically includes the following:

5749 (A) the commissioner of public safety and any member of the Department of Public  
5750 Safety certified as a peace officer;

5751 (B) all persons specified in Sections [23-20-1.5](#) and [79-4-501](#);

5752 (C) investigators for the Motor Vehicle Enforcement Division;

5753 (D) special agents or investigators employed by the attorney general;

5754 (E) employees of the Department of Natural Resources designated as peace officers by  
5755 law;

5756 (F) the executive director of the Department of Corrections and any correctional  
5757 enforcement or investigative officer designated by the executive director and approved by the  
5758 commissioner of public safety and certified by the division; and

5759 (G) correctional enforcement, investigative, or adult probation and parole officers  
5760 employed by the Department of Corrections serving on or before July 1, 1993.

5761 (c) "State correctional officer" means a correctional officer as defined in Section  
5762 53-13-104 who is employed by the Department of Corrections.

5763 (2) (a) A law enforcement officer or state correctional officer who is injured in the  
5764 course of employment shall be given a leave of absence with 100% of the officer's regular  
5765 monthly salary and benefits during the period the employee has a temporary disability.

5766 (b) The benefit provided under Subsection (2)(a):

5767 (i) shall be offset as provided under Subsection (4); and

5768 (ii) may not exceed 100% of the officer's regular monthly salary and benefits, including  
5769 all offsets required under Subsection (4).

5770 (3) (a) A law enforcement officer or state correctional officer who has a total disability  
5771 as defined in Section 49-21-102, shall be given a leave of absence with 100% of the officer's  
5772 regular monthly salary and benefits until the officer is eligible for an unreduced retirement  
5773 under Title 49, Utah State Retirement and Insurance Benefit Act, or reaches the retirement age  
5774 of 62 years, whichever occurs first, if:

5775 (i) the disability is a result of an injury sustained while in the lawful discharge of the  
5776 officer's duties; and

5777 (ii) the injury is the result of:

5778 (A) a criminal act upon the officer; or

5779 (B) an aircraft, vehicle, or vessel accident and the officer was not negligent in causing  
5780 the accident.

5781 (b) The benefit provided under Subsection (3)(a):

5782 (i) shall be offset as provided under Subsection (4); and

5783 (ii) may not exceed 100% of the officer's regular monthly salary and benefits, including  
5784 all offsets required under Subsection (4).

5785 (4) (a) The agency shall reduce or require the reimbursement of the monthly benefit  
5786 provided under this section by any amount received by, or payable to, the eligible officer for  
5787 the same period of time during which the eligible officer is entitled to receive a monthly  
5788 disability benefit under this section.

5789 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
5790 [~~department~~] division shall make rules establishing policies and procedures for the reductions  
5791 required under Subsection (4)(a).

5792 Section 136. Section **63A-17-601**, which is renumbered from Section 67-19-30 is  
5793 renumbered and amended to read:

5794 **Part 6. Grievance Provisions**

5795 ~~[67-19-30]~~. **63A-17-601. Grievance resolution -- Jurisdiction.**

5796 (1) Employees shall comply with the procedural and jurisdictional requirements of this  
5797 section, Title 63G, Chapter 4, Administrative Procedures Act, and Chapter 19a, Grievance  
5798 Procedures, in seeking resolution of grievances.

5799 (2) All grievances based upon a claim or charge of injustice or oppression, including  
5800 dismissal from employment, resulting from an act, occurrence, commission, or condition shall  
5801 be governed by Chapter 19a, Grievance Procedures, and Title 63G, Chapter 4, Administrative  
5802 Procedures Act.

5803 (3) All grievances involving classification shall be governed by Section ~~[67-19-31]~~  
5804 63A-17-602 and are designated as informal adjudicative proceedings as defined by Title 63G,  
5805 Chapter 4, Administrative Procedures Act.

5806 (4) All grievances by applicants for positions in state government involving an alleged  
5807 discriminatory or prohibited employment practice shall be governed by Section ~~[67-19-32]~~  
5808 63A-17-603 and Title 63G, Chapter 4, Administrative Procedures Act.

5809 (5) A "grievance" under this chapter is a request for agency action for purposes of Title  
5810 63G, Chapter 4, Administrative Procedures Act.

5811 Section 137. Section **63A-17-602**, which is renumbered from Section 67-19-31 is  
5812 renumbered and amended to read:

5813 ~~[67-19-31]~~. **63A-17-602. Position classification grievances -- Scope -- Procedure.**

5814 (1) (a) For the purpose of position classification grievances, the process that culminates  
5815 in assigning a career service position to an appropriate class specification is a matter of position  
5816 classification and may be grieved.

5817 (b) The process that culminates in assigning a salary range to the class specification is  
5818 not a position classification and may not be grieved as a classification grievance.

5819 (2) (a) Upon receipt of a position classification grievance, the ~~[executive]~~ director shall  
5820 refer the grievance to a classification panel of three or more impartial persons trained in state  
5821 classification procedures.

5822 (b) The classification panel shall determine whether or not the classification

5823 assignment for career service positions was appropriate by applying the statutes, rules, and  
 5824 procedures adopted by the [~~department~~] division that were in effect at the time of the  
 5825 classification change.

5826 (c) The classification panel may:

5827 (i) obtain access to previous audits, classification decisions, and reports;

5828 (ii) request new or additional audits by human resource analysts; and

5829 (iii) consider new or additional information.

5830 (d) The classification panel may sustain or modify the original decision and, if

5831 applicable, recommend a new classification.

5832 (e) The classification panel shall report [~~its~~] the classification panel's recommendation

5833 to the [~~executive~~] director, who shall make the classification decision and notify the grievant.

5834 (3) (a) Either party may appeal the [~~executive~~] director's decision to an impartial

5835 hearing officer trained in state classification procedures selected through a public bid process

5836 by a panel consisting of the following members:

5837 [~~(i) the executive director of the Department of Human Resource Management;~~]

5838 (i) a current or former government employee with experience in human resource

5839 management;

5840 (ii) two department executive directors;

5841 (iii) a private sector human resources executive appointed by the governor; and

5842 (iv) a representative of the Utah Public Employees Association.

5843 (b) The successful bid shall serve under contract for no more than three years. At the

5844 end of that time, the [~~Department of Human Resource Management~~] division shall reissue the

5845 bid.

5846 (c) The hearing officer shall review the classification and make the final decision. The

5847 final decision is subject to judicial review pursuant to the provisions of Section [63G-4-402](#).

5848 Section 138. Section **63A-17-603**, which is renumbered from Section 67-19-32 is

5849 renumbered and amended to read:

5850 ~~[67-19-32]~~. **63A-17-603. Discriminatory/prohibited employment practices**

5851 **grievances -- Procedures.**

5852 (1) An applicant for a position in state government, a probationary employee, career

5853 service employee, or an exempt employee who alleges a discriminatory or prohibited

5854 employment practice as defined in Section [34A-5-106](#) may submit a written grievance to the  
5855 department head where the alleged unlawful act occurred.

5856 (2) Within 10 working days after a written grievance is submitted under Subsection (1),  
5857 the department head shall issue a written response to the grievance stating his decision and the  
5858 reasons for the decision.

5859 (3) If the department head does not issue a decision within 10 days, or if the grievant is  
5860 dissatisfied with the decision, the grievant may submit a complaint to the Division of  
5861 Antidiscrimination and Labor, pursuant to Section [34A-5-107](#).

5862 Section 139. Section **63A-17-701**, which is renumbered from Section 67-19e-102 is  
5863 renumbered and amended to read:

5864 **Part 7. Administrative Law Judges**

5865 ~~[67-19e-102].~~ **63A-17-701. Definitions.**

5866 In addition to the definitions found in Section ~~[67-19-3, the following definitions apply~~  
5867 ~~to this chapter]~~ [63A-17-102](#), as used in this part:

5868 (1) (a) "Administrative law judge" means an individual who is employed or contracted  
5869 by a state agency who:

5870 (i) presides over or conducts formal administrative hearings on behalf of an agency;

5871 (ii) has the power to administer oaths, rule on the admissibility of evidence, take  
5872 testimony, evaluate evidence, and make determinations of fact; and

5873 (iii) issues written orders, rulings, or final decisions on behalf of an agency.

5874 (b) "Administrative law judge" does not mean:

5875 (i) an individual who reviews an order or ruling of an administrative law judge; or

5876 (ii) the executive director of a state agency.

5877 (2) "Committee" means the Administrative Law Judge Conduct Committee created in  
5878 Section ~~[67-19e-108]~~ [63A-17-708](#).

5879 ~~[(3) "Department" means the Department of Human Resource Management created in~~  
5880 ~~Section 67-19-5.]~~

5881 ~~[(4) "Executive director" means the executive director of the department.]~~

5882 Section 140. Section **63A-17-702**, which is renumbered from Section 67-19e-103 is  
5883 renumbered and amended to read:

5884 ~~[67-19e-103].~~ **63A-17-702. Administrative law judges -- Applicability --**

5885 **Destruction of evidence.**

5886 (1) (a) Except as provided in Subsections (1)(b) and (2), the provisions of this [~~chapter~~]  
5887 part apply to an administrative law judge who conducts formal adjudicative proceedings.

5888 (b) Except as provided in Subsection (2), the provisions of this [~~chapter~~] part do not  
5889 apply to an administrative law judge who is employed by or contracts with:

- 5890 (i) the Board of Pardons and Parole;  
5891 (ii) the Department of Corrections; or  
5892 (iii) the State Tax Commission.

5893 (2) The code of conduct established by the [~~department~~] division under Subsection  
5894 [~~67-19e-104~~] 63A-17-703(4) applies to all administrative law judges.

5895 (3) An administrative law judge who tampers with or destroys evidence submitted to  
5896 the administrative law judge is subject to the provisions of Section 76-8-510.5. This section  
5897 does not apply to documents destroyed in accordance with Title 63G, Chapter 2, Government  
5898 Records Access and Management Act.

5899 Section 141. Section **63A-17-703**, which is renumbered from Section 67-19e-104 is  
5900 renumbered and amended to read:

5901 ~~[67-19e-104]~~. **63A-17-703. Rulemaking authority.**

5902 The [~~department~~] division shall make rules, in accordance with Title 63G, Chapter 3,  
5903 Utah Administrative Rulemaking Act:

- 5904 (1) establishing minimum performance standards for all administrative law judges;  
5905 (2) providing procedures for filing, addressing, and reviewing complaints against  
5906 administrative law judges;  
5907 (3) providing standards for complaints against administrative law judges;  
5908 (4) promulgating a code of conduct for all administrative law judges in all state  
5909 agencies; and  
5910 (5) establishing a procedural fairness training program as described in Section  
5911 [~~67-19e-109~~] 63A-17-709.

5912 Section 142. Section **63A-17-704**, which is renumbered from Section 67-19e-104.5 is  
5913 renumbered and amended to read:

5914 ~~[67-19e-104.5]~~. **63A-17-704. Hiring of administrative law judges.**

5915 (1) Except as provided in Subsection (6), each administrative law judge hired on or

5916 after May 10, 2016, shall be hired in accordance with this section.

5917 (2) If an applicant for an administrative law judge position is selected for an interview  
5918 in accordance with applicable law and [~~department~~] division rule, the agency shall interview  
5919 the applicant by means of a hiring panel.

5920 (3) The hiring panel described in Subsection (2) shall consist of:

5921 (a) the head of the hiring agency;

5922 (b) the head of another agency, appointed by the [~~executive~~] director; and

5923 (c) the [~~executive~~] director.

5924 (4) Each individual described in Subsection (3) may designate another individual to  
5925 serve on the hiring panel on the individual's behalf.

5926 (5) After the hiring panel completes the interviews for an administrative law judge  
5927 position:

5928 (a) the hiring panel shall select the top three applicants for the administrative law judge  
5929 position; and

5930 (b) the head of the hiring agency shall:

5931 (i) consider any opinions or feedback from the other members of the hiring panel with  
5932 respect to the top three applicants; and

5933 (ii) (A) hire an applicant from the top three applicants to fill the administrative law  
5934 judge position; or

5935 (B) decide not to hire any of the top three applicants and restart the hiring process to  
5936 fill the administrative law judge position.

5937 (6) This section does not apply to an administrative law judge who is appointed by the  
5938 governor.

5939 Section 143. Section **63A-17-705**, which is renumbered from Section 67-19e-105 is  
5940 renumbered and amended to read:

5941 [~~67-19e-105~~]. **63A-17-705. Performance evaluation of administrative law**  
5942 **judges.**

5943 (1) [~~Beginning January 1, 2014, the department~~] The division shall prepare a  
5944 performance evaluation for each administrative law judge contracted or employed by a state  
5945 agency.

5946 (2) The performance evaluation for an administrative law judge shall include:

5947 (a) the results of the administrative law judge's performance evaluations conducted by  
5948 the employing agency since the administrative law judge's last performance evaluation  
5949 conducted by the [department] division in accordance with the performance evaluation  
5950 procedure for the agency;

5951 (b) information from the employing agency concerning the administrative law judge's  
5952 compliance with minimum performance standards;

5953 (c) the administrative law judge's disciplinary record, if any;

5954 (d) the results of any performance surveys conducted since the administrative law  
5955 judge's last performance review conducted by the [department] division; and

5956 (e) any other factor that the [department] division considers relevant to evaluating the  
5957 administrative law judge's performance.

5958 (3) If an administrative law judge fails to meet the minimum performance standards the  
5959 [department] division shall provide a copy of the performance evaluation and survey to the  
5960 employing agency.

5961 (4) The [department] division shall conduct performance reviews every four years for  
5962 administrative law judges contracted or employed by an agency.

5963 Section 144. Section **63A-17-706**, which is renumbered from Section 67-19e-106 is  
5964 renumbered and amended to read:

5965 ~~[67-19e-106].~~ **63A-17-706. Performance surveys.**

5966 (1) ~~[For administrative law judges contracted or employed before July 1, 2013,~~  
5967 ~~performance surveys shall be conducted initially at either the two-, three-, or four-year mark~~  
5968 ~~beginning January 1, 2014. By July 1, 2018, all] All administrative law judges shall be on a~~  
5969 ~~four-year staggered cycle for performance evaluations.~~

5970 (2) The performance survey shall include as respondents a sample of each of the  
5971 following groups as applicable:

5972 (a) attorneys who have appeared before the administrative law judge as counsel; and

5973 (b) staff who have worked with the administrative law judge.

5974 (3) The [department] division may include an additional classification of respondents if  
5975 the [department] division:

5976 (a) considers a survey of that classification of respondents helpful to the [department]  
5977 division; and

5978 (b) establishes the additional classification of respondents by rule made in accordance  
5979 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

5980 (4) A survey response is anonymous, including any comment included with a survey  
5981 response.

5982 (5) If the [department] division provides any information to an administrative law  
5983 judge or the committee, the information shall be provided in [~~such a way as~~] a manner to  
5984 protect the confidentiality of a survey respondent.

5985 (6) If the [department] division establishes an additional classification, in accordance  
5986 with Subsection (3), a survey shall be provided to a potential survey respondent within 30 days  
5987 of the day on which the case in which the person appeared before the administrative law judge  
5988 is closed, exclusive of any appeal. Staff and attorneys may be surveyed at any time during the  
5989 survey period.

5990 (7) The performance survey shall include questions relating to whether the  
5991 administrative law judge's behavior furthers the following elements of procedural fairness:

5992 (a) neutrality, including:

5993 (i) consistent and equal treatment of the individuals who appear before the  
5994 administrative law judge;

5995 (ii) concern for the individual needs of the individuals who appear before the  
5996 administrative law judge; and

5997 (iii) careful deliberation;

5998 (b) respectful treatment of others; and

5999 (c) providing individuals a voice and opportunity to be heard.

6000 (8) The performance survey may include questions concerning an administrative law  
6001 judge's:

6002 (a) legal ability, including the following:

6003 (i) demonstration of understanding of the substantive law and any relevant rules of  
6004 procedure and evidence;

6005 (ii) attentiveness to factual and legal issues before the administrative law judge;

6006 (iii) adherence to precedent and ability to clearly explain departures from precedent;

6007 (iv) grasp of the practical impact on the parties of the administrative law judge's  
6008 rulings, including the effect of delay and increased litigation expense;

- 6009 (v) ability to write clear opinions and decisions; and  
6010 (vi) ability to clearly explain the legal basis for opinions;  
6011 (b) temperament and integrity, including the following:  
6012 (i) demonstration of courtesy toward attorneys, staff, and others in the administrative  
6013 law judge's department;  
6014 (ii) maintenance of decorum in the courtroom;  
6015 (iii) demonstration of judicial demeanor and personal attributes that promote public  
6016 trust and confidence in the administrative law judge system;  
6017 (iv) preparedness for oral argument;  
6018 (v) avoidance of impropriety or the appearance of impropriety;  
6019 (vi) display of fairness and impartiality toward all parties; and  
6020 (vii) ability to clearly communicate, including the ability to explain the basis for  
6021 written rulings, court procedures, and decisions; and  
6022 (c) administrative performance, including the following:  
6023 (i) management of workload;  
6024 (ii) sharing proportionally the workload within the [department] division; and  
6025 (iii) issuance of opinions and orders without unnecessary delay.  
6026 (9) If the [department] division determines that a certain survey question or category of  
6027 questions is not appropriate for a respondent group, the [department] division may omit that  
6028 question or category of questions from the survey provided to that respondent group.  
6029 (10) (a) The survey shall allow respondents to indicate responses in a manner  
6030 determined by the [department] division, which shall be:  
6031 (i) on a numerical scale from one to five; or  
6032 (ii) in the affirmative or negative, with an option to indicate the respondent's inability  
6033 to respond in the affirmative or negative.  
6034 (b) To supplement the responses to questions on either a numerical scale or in the  
6035 affirmative or negative, the [department] division may allow respondents to provide written  
6036 comments.  
6037 (11) The [department] division shall compile and make available to each  
6038 administrative law judge that administrative law judge's survey results with each of the  
6039 administrative law judge's performance evaluations.

6040 Section 145. Section **63A-17-707**, which is renumbered from Section 67-19e-107 is  
6041 renumbered and amended to read:

6042 ~~[67-19e-107]~~. **63A-17-707. Complaints.**

6043 (1) A complaint against an administrative law judge shall be filed with the  
6044 ~~[department]~~ division.

6045 (2) Upon receipt of a complaint, the ~~[department]~~ division shall conduct an  
6046 investigation.

6047 (3) If the ~~[department's]~~ division's investigation determines that the complaint is  
6048 frivolous or without merit, it may dismiss it without further action. A complaint that merely  
6049 indicates disagreement, without further misconduct, with the administrative law judge's  
6050 decision shall be treated as without merit.

6051 (4) The contents of all complaints and subsequent investigations are classified as  
6052 protected under Title 63G, Chapter 2, Government Records Access and Management Act.

6053 Section 146. Section **63A-17-708**, which is renumbered from Section 67-19e-108 is  
6054 renumbered and amended to read:

6055 ~~[67-19e-108]~~. **63A-17-708. Administrative Law Judge Conduct Committee.**

6056 (1) There is created the Administrative Law Judge Conduct Committee to investigate,  
6057 review, and hear complaints filed against administrative law judges.

6058 (2) The committee shall be composed of:

6059 (a) the ~~[executive]~~ director, or the ~~[executive]~~ director's designee, as chair; and

6060 (b) four executive directors, or their designees, of agencies that employ or contract with  
6061 administrative law judges, to be selected by the ~~[executive]~~ director as needed.

6062 (3) The ~~[department]~~ division shall provide staff for the committee as needed.

6063 Section 147. Section **63A-17-709**, which is renumbered from Section 67-19e-109 is  
6064 renumbered and amended to read:

6065 ~~[67-19e-109]~~. **63A-17-709. Procedure for review of complaint by conduct**  
6066 **committee.**

6067 (1) Upon a determination that a complaint requires further action, the ~~[executive]~~  
6068 director shall select four executive directors or their designees and convene the committee.  
6069 The executive director of the agency that employs or contracts with the administrative law  
6070 judge who is the subject of the complaint may not be a member of the committee.

6071 (2) The [department] division shall provide a copy of the complaint, along with the  
6072 results of the [department's] division's investigation, to the committee and the administrative  
6073 law judge who is the subject of the complaint. If the committee directs, a copy of the  
6074 complaint and investigation may also be provided to the attorney general.

6075 (3) The committee shall allow an administrative law judge who is the subject of a  
6076 complaint to appear and speak at any committee meeting, except a closed meeting, during  
6077 which the committee is deliberating the complaint.

6078 (4) The committee may meet in a closed meeting to discuss a complaint against an  
6079 administrative law judge by complying with Title 52, Chapter 4, Open and Public Meetings  
6080 Act.

6081 (5) After deliberation and discussion of the complaint and all information provided, the  
6082 committee shall provide a report, with a recommendation, to the agency. The recommendation  
6083 shall include:

6084 (a) a brief description of the complaint and results of the [department's] division's  
6085 investigation;

6086 (b) the committee's findings; and

6087 (c) a recommendation from the committee whether action should be taken against the  
6088 administrative law judge.

6089 (6) Actions recommended by the committee may include no action, disciplinary action,  
6090 termination, or any other action an employer may take against an employee.

6091 (7) The record of an individual committee member's vote on recommended actions  
6092 against an administrative law judge is a protected record under Title 63G, Chapter 2,  
6093 Government Records Access and Management Act.

6094 Section 148. Section **63A-17-710**, which is renumbered from Section 67-19e-110 is  
6095 renumbered and amended to read:

6096 ~~[67-19e-110]~~. **63A-17-710. Required training.**

6097 (1) Each year that an administrative law judge receives a performance evaluation  
6098 conducted by the [department] division under this chapter, the administrative law judge shall  
6099 complete the procedural fairness training program described in this section.

6100 (2) The [department] division shall establish a procedural fairness training program  
6101 that includes training on how an administrative law judge's actions and behavior influence

6102 others' perceptions of the fairness of the adjudicative process.

6103 (3) The procedural fairness training program shall include discussion of the following  
6104 elements of procedural fairness:

6105 (a) neutrality, including:

6106 (i) consistent and equal treatment of the individuals who appear before the  
6107 administrative law judge;

6108 (ii) concern for the individual needs of the individuals who appear before the  
6109 administrative law judge; and

6110 (iii) unhurried and careful deliberation;

6111 (b) respectful treatment of others; and

6112 (c) providing individuals a voice and opportunity to be heard.

6113 (4) The [~~department~~] division may contract with a public or private person to develop  
6114 or provide the procedural fairness training program.

6115 (5) The [~~department~~] division shall ensure that the procedural fairness training program  
6116 complies with Title 63G, Chapter 22, State Training and Certification Requirements.

6117 Section 149. Section **63A-17-801**, which is renumbered from Section 67-19-6.3 is  
6118 renumbered and amended to read:

6119 **Part 8. Plans and Programs**

6120 ~~[67-19-6.3]~~. **63A-17-801. Equal employment opportunity plan.**

6121 (1) In conjunction with the director's duties under Section ~~[67-19-6]~~ [63A-17-106](#), and  
6122 notwithstanding the general prohibition in Subsection [34A-5-106\(3\)\(c\)](#), the [~~executive~~] director  
6123 shall prepare an equal employment opportunity plan for state employment consistent with the  
6124 guidelines provided in federal equal employment opportunity laws and in related federal  
6125 regulations.

6126 (2) The equal employment opportunity plan required by this section applies only to  
6127 state career service employees described in Section ~~[67-19-15]~~ [63A-17-301](#).

6128 (3) The Legislature shall review the equal employment opportunity plan required by  
6129 this section before it may be implemented.

6130 (4) Nothing in this section requires the establishment of hiring quotas or preferential  
6131 treatment of any identifiable group.

6132 Section 150. Section **63A-17-802**, which is renumbered from Section 67-19-12.2 is

6133 renumbered and amended to read:

6134 ~~[67-19-12.2].~~ 63A-17-802. Education benefit plan for law enforcement and  
6135 correctional officers.

6136 [(1) As used in this section, "law enforcement officer" has the same meaning as in  
6137 Section ~~53-13-103~~ and "correctional officer" has the same meaning as in Section ~~53-13-104~~.]

6138 (1) As used in this section:

6139 (a) "Law enforcement officer" means the same as that term is defined in Section  
6140 53-13-103.

6141 (b) "Correctional officer" means the same as that term is defined in Section 53-13-104.

6142 (2) The ~~[executive]~~ director shall establish a plan authorizing any agency to implement  
6143 an educational compensation program for law enforcement officers and correctional officers  
6144 employed by that agency.

6145 (3) The program shall provide that in order for a law enforcement officer or  
6146 correctional officer to qualify for education benefits for college or university education, the law  
6147 enforcement officer or correctional officer shall:

6148 (a) provide a certified transcript of grades, demonstrating a grade point average of 3.0  
6149 or greater, from an accredited college or university; and

6150 (b) have successfully completed the probationary employment period with the  
6151 employing agency.

6152 (4) The program shall also provide that the agency may consider a law enforcement  
6153 officer or correctional officer to receive additional compensation as follows for higher  
6154 education degrees earned on or after April 30, 2001, in a subject area directly related to the law  
6155 enforcement officer's or correctional officer's employment with the agency:

6156 (a) 5.5% for an associate's degree;

6157 (b) 5.5% for a bachelor's degree; and

6158 (c) 5.5% for a master's degree.

6159 (5) Expenses incurred by an agency to provide additional compensation under this  
6160 section may be only from the agency's existing budget.

6161 Section 151. Section 63A-17-803, which is renumbered from Section 67-19-12.5 is  
6162 renumbered and amended to read:

6163 ~~[67-19-12.5].~~ 63A-17-803. Creation of Flexible Benefit Program --

6164 **Rulemaking power granted to establish program.**

6165 (1) The [~~department~~] division shall establish for calendar year 1990 and thereafter a  
6166 Flexible Benefit Program under Section 125 of the Internal Revenue Code of 1986.

6167 (2) The [~~department~~] division shall establish accounts for all employees eligible for  
6168 benefits which meet the nondiscrimination requirements of the Internal Revenue Code of 1986.

6169 (3) (a) Each account established under this section shall include employee paid  
6170 premiums for health and dental services.

6171 (b) The account may also include, at the option of the employee, out-of-pocket  
6172 employee medical and dependent care expenses.

6173 (c) Accounts may also include other expenses allowed under the Internal Revenue  
6174 Code of 1986.

6175 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
6176 [~~department~~] division may make rules to implement the program established under this section.

6177 Section 152. Section **63A-17-804**, which is renumbered from Section 67-19-14.3 is  
6178 renumbered and amended to read:

6179 **~~[67-19-14.3].~~ 63A-17-804. Continuation of Insurance Benefits Program --**  
6180 **Creation -- Coverage following death in the line of duty.**

6181 (1) There is created the "Continuation of Insurance Benefits Program" to provide a  
6182 continuation of insurance to the surviving spouse and family of any state employee whose  
6183 death occurs in the line of duty.

6184 (2) The insurance coverage shall be the same coverage as provided under Section  
6185 [49-20-406](#).

6186 (3) The program provides that unused accumulated sick leave of a deceased employee  
6187 may be used for additional medical coverage in the same manner as provided under Section  
6188 ~~[67-19-14.2 or 67-19-14.4]~~ [63A-17-507](#) or [63A-17-508](#) as applicable.

6189 Section 153. Section **63A-17-805**, which is renumbered from Section 67-19-43 is  
6190 renumbered and amended to read:

6191 **~~[67-19-43].~~ 63A-17-805. State employee matching supplemental defined**  
6192 **contribution benefit.**

6193 (1) As used in this section:

6194 (a) "Qualifying account" means:

6195 (i) a defined contribution plan qualified under Section 401(k) of the Internal Revenue  
6196 Code, which is sponsored by the Utah State Retirement Board; ~~or~~

6197 (ii) a deemed Individual Retirement Account authorized under the Internal Revenue  
6198 Code, which is sponsored by the Utah State Retirement Board; or

6199 (iii) a similar savings plan or account authorized under the Internal Revenue Code,  
6200 which is sponsored by the Utah State Retirement Board.

6201 (b) "Qualifying employee" means an employee who is:

6202 (i) in a position that is:

6203 (A) receiving retirement benefits under Title 49, Utah State Retirement and Insurance  
6204 Benefit Act; and

6205 (B) accruing paid leave benefits that can be used in the current and future calendar  
6206 years; and

6207 (ii) not an employee who is reemployed as that term is:

6208 (A) defined in Section 49-11-1202; or

6209 (B) used in Section 49-11-504.

6210 (2) Subject to the requirements of Subsection (3) ~~[and beginning on or after January 4,~~  
6211 ~~2014]~~, an employer shall make a biweekly matching contribution to every qualifying  
6212 employee's defined contribution plan qualified under Section 401(k) of the Internal Revenue  
6213 Code, subject to federal requirements and limitations, which is sponsored by the Utah State  
6214 Retirement Board.

6215 (3) (a) In accordance with the requirements of this Subsection (3), each qualifying  
6216 employee shall be eligible to receive the same dollar amount for the contribution under  
6217 Subsection (2).

6218 (b) A qualifying employee:

6219 (i) shall receive the contribution amount determined under Subsection (3)(c) if the  
6220 qualifying employee makes a voluntary personal contribution to one or more qualifying  
6221 accounts in an amount equal to or greater than the employer's contribution amount determined  
6222 in Subsection (3)(c);

6223 (ii) shall receive a partial contribution amount that is equal to the qualifying employee's  
6224 personal contribution amount if the employee makes a voluntary personal contribution to one  
6225 or more qualifying accounts in an amount less than the employer's contribution amount

6226 determined in Subsection (3)(c); or

6227 (iii) may not receive a contribution under Subsection (2) if the qualifying employee  
6228 does not make a voluntary personal contribution to a qualifying account.

6229 (c) (i) Subject to the maximum limit under Subsection (3)(c)(iii), the Legislature shall  
6230 annually determine the contribution amount that an employer shall provide to each qualifying  
6231 employee under Subsection (2).

6232 (ii) The [~~department~~] division shall make recommendations annually to the Legislature  
6233 on the contribution amount required under Subsection (2), in consultation with the Governor's  
6234 Office of Management and Budget and the Division of Finance.

6235 (iii) The biweekly matching contribution amount required under Subsection (2) may  
6236 not exceed \$26 for each qualifying employee.

6237 (4) A qualifying employee is eligible to receive the biweekly contribution under this  
6238 section for any pay period in which the employee is in a paid status or other status protected by  
6239 federal or state law.

6240 (5) The employer and employee contributions made and related earnings under this  
6241 section vest immediately upon deposit and can be withdrawn by the employee at any time,  
6242 subject to Internal Revenue Code regulations on the withdrawals.

6243 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
6244 [~~executive~~] director shall make rules establishing procedures to implement the provisions of  
6245 this section.

6246 Section 154. Section **63A-17-806**, which is renumbered from Section 67-19-45 is  
6247 renumbered and amended to read:

6248 ~~[67-19-45]~~. **63A-17-806. Definitions -- Infant at Work Pilot Program --**  
6249 **Administration -- Report.**

6250 (1) As used in this section:

6251 (a) "Eligible employee" means an employee who has been employed by the  
6252 Department of Health for a minimum of:

6253 (i) 12 consecutive months; and

6254 (ii) 1,250 hours, excluding paid time off during the 12-month period immediately  
6255 preceding the day on which the employee applies for participation in the program.

6256 (b) "Infant" means a baby that is at least six weeks of age and no more than six months

6257 of age.

6258 (c) "Parent" means:

6259 (i) a biological or adoptive parent of an infant; or

6260 (ii) an individual who has an infant placed in the individual's foster care by the

6261 Division of Child and Family Services.

6262 (d) "Program" means the Infant at Work Pilot Program established in this section.

6263 (2) There is created the Infant at Work Pilot Program for eligible employees.

6264 (3) The program shall:

6265 (a) allow an eligible employee to bring the eligible employee's infant to work subject to  
6266 the provisions of this section;

6267 (b) be administered by the ~~[department]~~ division; and

6268 (c) be implemented for a minimum of one year.

6269 (4) The ~~[department]~~ division shall establish an application process for eligible  
6270 employees of the Department of Health to apply to the program that includes:

6271 (a) a process for evaluating whether an eligible employee's work environment is  
6272 appropriate for an infant;

6273 (b) guidelines for infant health and safety; and

6274 (c) guidelines regarding an eligible employee's initial and ongoing participation in the  
6275 program.

6276 (5) If the ~~[department]~~ division approves the eligible employee for participation in the  
6277 program, the eligible employee shall have the sole responsibility for the care and safety of the  
6278 infant at the workplace.

6279 (6) The ~~[department]~~ division may not require the Department of Health to designate or  
6280 set aside space for an eligible employee's infant other than the eligible employee's existing  
6281 work space.

6282 (7) The ~~[department]~~ division, in consultation with the Department of Health, shall  
6283 adopt rules that the department determines necessary to establish the program in accordance  
6284 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

6285 (8) ~~[By]~~ On or before June 30, 2022, the ~~[department]~~ division, in consultation with the  
6286 Department of Health, shall submit a written report to the Business and Labor Interim  
6287 Committee that describes the efficacy of the program, including any recommendations for

6288 additional legislative action.

6289 Section 155. Section **63A-17-807**, which is renumbered from Section 67-19c-101 is  
6290 renumbered and amended to read:

6291 ~~[67-19c-101].~~ **63A-17-807. Department award program.**

6292 (1) As used in this section:

6293 (a) "Department" means the Department of [~~Administrative Services~~] Government  
6294 Operations, the Department of Agriculture and Food, the Department of Alcoholic Beverage  
6295 Control, the Department of Commerce, the Department of Heritage and Arts, the Department  
6296 of Corrections, the Department of Workforce Services, the Department of Environmental  
6297 Quality, the Department of Financial Institutions, the Department of Health, [~~the Department of~~  
6298 ~~Human Resource Management;~~] the Department of Human Services, the Insurance  
6299 Department, the National Guard, the Department of Natural Resources, the Department of  
6300 Public Safety, the Public Service Commission, the Labor Commission, the State Board of  
6301 Education, the Utah Board of Higher Education, the State Tax Commission, [~~the Department~~  
6302 ~~of Technology Services;~~] and the Department of Transportation.

6303 (b) "Department head" means the individual or body of individuals in whom the  
6304 ultimate legal authority of the department is vested by law.

6305 (2) There is created a department awards program to award an outstanding employee in  
6306 each department of state government.

6307 (3) (a) [~~By~~] On or before April 1 of each year, each department head shall solicit  
6308 nominations for outstanding employee of the year for [~~his~~] that department from the employees  
6309 in [~~his~~] that department.

6310 (b) [~~By~~] On or before July 1 of each year, the department head shall:

6311 (i) select a person from the department to receive the outstanding employee of the year  
6312 award using the criteria established in Subsection (3)(c); and

6313 (ii) announce the recipient of the award to [~~his~~] the employees of the department.

6314 (c) Department heads shall make the award to [~~a person~~] an employee who  
6315 demonstrates:

6316 (i) extraordinary competence in performing [~~his~~] the employee's function;

6317 (ii) creativity in identifying problems and devising workable, cost-effective solutions

6318 [~~to them~~];

6319 (iii) excellent relationships with the public and other employees;

6320 (iv) a commitment to serving the public as the client; and

6321 (v) a commitment to economy and efficiency in government.

6322 (4) (a) The [~~Department of Human Resource Management~~] division shall divide any  
6323 appropriation for outstanding department employee awards that [~~it~~] the division receives from  
6324 the Legislature equally among the departments.

6325 (b) If [~~the~~] a department receives money from the [~~Department of Human Resource~~  
6326 ~~Management~~] division or if [~~the~~] a department budget allows, [~~the~~] that department head shall  
6327 provide the employee with a bonus, a plaque, or some other suitable acknowledgement of the  
6328 award.

6329 (5) (a) [~~The~~] A department head may name the award after an exemplary present or  
6330 former employee of the department.

6331 (b) A department head may not name the award for [~~himself~~] oneself or for any relative  
6332 as defined in Section [52-3-1](#).

6333 [~~(c) Any awards or award programs existing in any department as of May 3, 1993, shall~~  
6334 ~~be modified to conform to the requirements of this section.~~]

6335 Section 156. Section **63A-17-901**, which is renumbered from Section 67-25-102 is  
6336 renumbered and amended to read:

6337 **Part 9. General Requirements for State Officers and Employees**

6338 [~~67-25-102~~]. **63A-17-901. Definitions.**

6339 As used in this [~~chapter~~] part:

6340 (1) "Career service employee" [~~is as~~] means the same as that term is defined in Section  
6341 [~~67-19-3~~] [63A-17-102](#).

6342 (2) "Executive branch elected official" means:

6343 (a) the governor;

6344 (b) the lieutenant governor;

6345 (c) the attorney general;

6346 (d) the state treasurer; or

6347 (e) the state auditor.

6348 (3) "Executive branch official" means an individual who:

6349 (a) is a management level employee of an executive branch elected official; and

6350 (b) is not a career service employee.

6351 (4) "State agency" means a department, division, board, council, committee, institution,  
6352 office, bureau, or other similar administrative unit of the executive branch of state government.

6353 Section 157. Section **63A-17-902**, which is renumbered from Section 67-25-201 is  
6354 renumbered and amended to read:

6355 ~~[67-25-201]~~. **63A-17-902**. **State agency work week.**

6356 (1) Except as provided in Subsection (2), and subject to Subsection (3):

6357 (a) a state agency with five or more employees shall, at least nine hours per day on  
6358 Monday, Tuesday, Wednesday, Thursday, and Friday to provide a service required by statute to  
6359 another entity of the state, a political subdivision, or the public:

6360 (i) in person;

6361 (ii) online; or

6362 (iii) by telephone; and

6363 (b) a state agency with fewer than five employees shall, at least eight hours per day on  
6364 Monday, Tuesday, Wednesday, Thursday, and Friday, provide a service required by statute to  
6365 another entity of the state, a political subdivision, or the public:

6366 (i) in person;

6367 (ii) online; or

6368 (iii) by telephone.

6369 (2) (a) Subsection (1) does not require a state agency to operate a physical location, or  
6370 provide a service, on a holiday established under Section **63G-1-301**.

6371 (b) Except for a legal holiday established under Section **63G-1-301**, the following state  
6372 agencies shall operate at least one physical location, and as many physical locations as  
6373 necessary, at least nine hours per day on Monday, Tuesday, Wednesday, Thursday, and Friday  
6374 to provide a service required by statute to another entity of the state, a political subdivision, or  
6375 the public:

6376 (i) the ~~[Department]~~ Division of Technology Services, created in Section ~~[63F-1-103]~~  
6377 63A-16-103;

6378 (ii) the Division of Child and Family Services, created in Section **62A-4a-103**; and

6379 (iii) the Office of Guardian Ad Litem, created in Section **78A-6-901**.

6380 (3) A state agency shall make staff available, as necessary, to provide:

6381 (a) services incidental to a court or administrative proceeding, during the hours of  
6382 operation of a court or administrative body, including:

6383 (i) testifying;

6384 (ii) the production of records or evidence; and

6385 (iii) other services normally available to a court or administrative body;

6386 (b) security services; and

6387 (c) emergency services.

6388 (4) This section does not limit the days or hours a state agency may operate.

6389 (5) To provide a service as required by Subsection (1), the chief administrative officer  
6390 of a state agency may determine:

6391 (a) the number of physical locations, if any are required by this section, operating each  
6392 day;

6393 (b) the daily hours of operation of a physical location;

6394 (c) the number of state agency employees who work per day; and

6395 (d) the hours a state agency employee works per day.

6396 (6) To provide a service as required by Subsection (2)(b), the chief administrative  
6397 officer of a state agency, or a person otherwise designated by law, may determine:

6398 (a) the number of physical locations operating each day;

6399 (b) the daily hours of operation, as required by Subsection (2)(b), of each physical  
6400 location;

6401 (c) the number of state agency employees who work per day; and

6402 (d) the hours a state agency employee works per day.

6403 (7) A state agency shall:

6404 (a) provide information, accessible from a conspicuous link on the home page of the  
6405 state agency's website, on a method that a person may use to schedule an in-person meeting  
6406 with a representative of the state agency; and

6407 (b) except as provided in Subsection (8), as soon as reasonably possible:

6408 (i) contact a person who makes a request for an in-person meeting; and

6409 (ii) when appropriate, schedule and hold an in-person meeting with the person that  
6410 requests an in-person meeting.

6411 (8) A state agency is not required to comply with Subsection (7)(b) to the extent that

6412 the contact or meeting:

6413 (a) would constitute a conflict of interest;

6414 (b) would conflict or interfere with a procurement governed by Title 63G, Chapter 6a,  
6415 Utah Procurement Code;

6416 (c) would violate an ethical requirement of the state agency or an employee of the state  
6417 agency; or

6418 (d) would constitute a violation of law.

6419 Section 158. Section **63A-17-903**, which is renumbered from Section 67-25-302 is  
6420 renumbered and amended to read:

6421 ~~[67-25-302]~~. **63A-17-903**. **Restrictions on outside employment by**  
6422 **executive branch employees.**

6423 (1) An employee who is under the direction or control of an executive branch elected  
6424 official may not engage in outside employment that:

6425 (a) constitutes a conflict of interest;

6426 (b) interferes with the ability of the employee to fulfill the employee's job  
6427 responsibilities;

6428 (c) constitutes the provision of political services, political consultation, or lobbying;

6429 (d) involves the provision of consulting services, legal services, or other services to a  
6430 person that the employee could, within the course and scope of the employee's primary  
6431 employment, provide to the person; or

6432 (e) interferes with the hours that the employee is expected to perform work under the  
6433 direction or control of an executive branch elected official, unless the employee takes  
6434 authorized personal leave during the time that the person engages in the outside employment.

6435 (2) An executive branch official shall be subject to the same restrictions on outside  
6436 employment as a career service employee.

6437 (3) This section does not prohibit an employee from advocating the position of the  
6438 state office that employs the employee regarding legislative action or other government action.

6439 Section 159. Section **63A-17-904**, which is renumbered from Section 67-19-19 is  
6440 renumbered and amended to read:

6441 ~~[67-19-19]~~. **63A-17-904**. **Political activity of employees -- Rules and regulations**  
6442 **-- Highway patrol -- Hatch Act.**

6443 (1) Except as otherwise provided by law or by rules [~~promulgated~~] made under this  
6444 section for federally aided programs, the [~~following~~] provisions of this section apply with  
6445 regard to political activity of career service employees in all grades and positions[?].

6446 [~~(1)~~] (2) Career service employees may voluntarily participate in political activity  
6447 subject to the following provisions:

6448 (a) if any career service employee is elected to any partisan or full-time nonpartisan  
6449 political office, that employee shall be granted a leave of absence without pay for times when  
6450 monetary compensation is received for service in political office;

6451 (b) no officer or employee in career service may engage in any political activity during  
6452 the hours of employment, nor may any person solicit political contributions from employees of  
6453 the executive branch during hours of employment for political purposes; and

6454 (c) partisan political activity may not be a basis for employment, promotion, demotion,  
6455 or dismissal, except that the [~~executive~~] director shall adopt rules providing for the discipline  
6456 or punishment of a state officer or employee who violates any provision of this section.

6457 [~~(2)~~] (3) (a) Notwithstanding any other provision of this section, no member of the  
6458 Utah Highway Patrol may use [~~his~~] the member's official authority or influence for the purpose  
6459 of interfering with an election or affecting the results of an election.

6460 (b) No person may induce or attempt to induce any member of the Utah Highway  
6461 Patrol to participate in any activity prohibited by this Subsection [~~(2)~~] (3).

6462 [~~(3)~~] (4) Nothing contained in this section may be construed to:

6463 (a) preclude voluntary contributions by an employee to the party or candidate of the  
6464 officer's or employee's choice; or

6465 (b) permit partisan political activity by any employee who is prevented or restricted  
6466 from engaging in the political activity by the provisions of the federal Hatch Act.

6467 Section 160. Section **63A-17-1001**, which is renumbered from Section 67-19-33 is  
6468 renumbered and amended to read:

6469 **Part 10. Controlled Substances and Alcohol Use**

6470 [~~67-19-33~~]. **63A-17-1001. Controlled substances and alcohol use prohibited.**

6471 Except as provided in Title 26, Chapter 61a, Utah Medical Cannabis Act, an employee  
6472 may not:

6473 (1) manufacture, dispense, possess, use, distribute, or be under the influence of a

6474 controlled substance or alcohol during work hours or on state property except where legally  
6475 permissible;

6476 (2) manufacture, dispense, possess, use, or distribute a controlled substance or alcohol  
6477 if the activity prevents:

6478 (a) state agencies from receiving federal grants or performing under federal contracts of  
6479 \$25,000 or more; or

6480 (b) the employee to perform his services or work for state government effectively as  
6481 regulated by the rules of the executive director in accordance with Section [~~67-19-34~~]

6482 [63A-17-1402](#); or

6483 (3) refuse to submit to a drug or alcohol test under Section [~~67-19-36~~] [63A-17-1404](#).

6484 Section 161. Section **63A-17-1002**, which is renumbered from Section 67-19-34 is  
6485 renumbered and amended to read:

6486 [~~67-19-34~~]. **63A-17-1002. Rulemaking power to director.**

6487 In accordance with this [~~chapter~~] part and Title 63G, Chapter 3, Utah Administrative  
6488 Rulemaking Act, the [~~executive~~] director shall make rules regulating:

6489 (1) disciplinary actions for employees subject to discipline under Section [~~67-19-37~~]  
6490 [63A-17-1405](#);

6491 (2) the testing of employees for the use of controlled substances or alcohol as provided  
6492 in Section [~~67-19-36~~] [63A-17-1404](#);

6493 (3) the confidentiality of drug testing and test results performed under Section  
6494 [~~67-19-36~~] [63A-17-1404](#) in accordance with Title 63G, Chapter 2, Government Records  
6495 Access and Management Act; and

6496 (4) minimum blood levels of alcohol or drug content for work effectiveness of an  
6497 employee.

6498 Section 162. Section **63A-17-1003**, which is renumbered from Section 67-19-35 is  
6499 renumbered and amended to read:

6500 [~~67-19-35~~]. **63A-17-1003. Reporting of convictions under federal and state drug**  
6501 **laws.**

6502 (1) An employee who is convicted under a federal or state criminal statute regulating  
6503 the manufacture, distribution, dispensation, possession, or use of a controlled substance shall  
6504 report the conviction to the director of [~~his~~] the employee's agency within five calendar days

6505 after the date of conviction.

6506 (2) Upon notification either under Subsection (1) or otherwise, the director of the  
6507 agency shall notify the federal agency for which a contract is being performed within 10 days  
6508 after receiving notice.

6509 Section 163. Section **63A-17-1004**, which is renumbered from Section 67-19-36 is  
6510 renumbered and amended to read:

6511 ~~[67-19-36]~~. **63A-17-1004**. **Drug testing of state employees.**

6512 (1) Except as provided in Subsection (2), when there is reasonable suspicion that an  
6513 employee is using a controlled substance or alcohol unlawfully during work hours, an  
6514 employee may be required to submit to medically accepted testing procedures for a  
6515 determination of whether the employee is using a controlled substance or alcohol in violation  
6516 of this part.

6517 (2) In highly sensitive positions, as identified in department class specifications,  
6518 random drug testing of employees may be conducted by an agency in accordance with the rules  
6519 of the ~~[executive]~~ director.

6520 (3) All drug or alcohol testing shall be:

6521 (a) conducted by a federally certified and licensed physician, a federally certified and  
6522 licensed medical clinic, or testing facility federally certified and licensed to conduct medically  
6523 accepted drug testing;

6524 (b) conducted in accordance with the rules of the ~~[executive]~~ director made under  
6525 Section ~~[67-19-34]~~ 63A-17-1402; and

6526 (c) kept confidential in accordance with the rules of the ~~[executive]~~ director made in  
6527 accordance with Section ~~[67-19-34]~~ 63A-17-1402.

6528 (4) A physician, medical clinic, or testing facility may not be held liable in any civil  
6529 action brought by a party for:

6530 (a) performing or failing to perform a test under this section;

6531 (b) issuing or failing to issue a test result under this section; or

6532 (c) acting or omitting to act in any other way in good faith under this section.

6533 Section 164. Section **63A-17-1005**, which is renumbered from Section 67-19-37 is  
6534 renumbered and amended to read:

6535 ~~[67-19-37]~~. **63A-17-1005**. **Discipline of employees.**

6536 An employee shall be subject to the rules of discipline of the ~~[executive]~~ director made  
6537 in accordance with Section ~~[67-19-34]~~ [63A-17-1402](#), if the employee:

6538 (1) refuses to submit to testing procedures provided in Section ~~[67-19-36]~~  
6539 [63A-17-1404](#);

6540 (2) refuses to complete a drug rehabilitation program in accordance with Subsection  
6541 ~~[67-19-38]~~ [63A-17-1406](#)(3);

6542 (3) is convicted under a federal or state criminal statute regulating the manufacture,  
6543 distribution, dispensation, possession, or use of a controlled substance; or

6544 (4) manufactures, dispenses, possesses, uses, or distributes a controlled substance in  
6545 violation of state or federal law during work hours or on state property.

6546 Section 165. Section **63A-17-1006**, which is renumbered from Section 67-19-38 is  
6547 renumbered and amended to read:

6548 ~~[67-19-38]~~. **63A-17-1006. Violations and penalties.**

6549 In addition to other criminal penalties provided by law, an employee who:

6550 (1) fails to notify the employee's director under Section ~~[67-19-35]~~ [63A-17-1403](#) is  
6551 subject to disciplinary proceedings as established by the ~~[executive]~~ director by rule in  
6552 accordance with Section ~~[67-19-34]~~ [63A-17-1402](#);

6553 (2) refuses to submit to testing procedures provided for in Section ~~[67-19-36]~~  
6554 [63A-17-1404](#), may be suspended immediately without pay pending further disciplinary action  
6555 as ~~[set forth in the rules of the executive]~~ provided by rule, made by the director in accordance  
6556 with Section ~~[67-19-34]~~ [63A-17-1402](#); or

6557 (3) tests positive for the presence of unlawfully used controlled substances or alcohol  
6558 may be required, as part of the employee's disciplinary treatment, to complete a drug  
6559 rehabilitation program at the employee's expense within 60 days after receiving the positive test  
6560 results or be subject to further disciplinary procedures established by rule ~~[of the executive]~~  
6561 made by the director in accordance with Section ~~[67-19-34]~~ [63A-17-1402](#).

6562 Section 166. Section **63A-17-1007**, which is renumbered from Section 67-19-39 is  
6563 renumbered and amended to read:

6564 ~~[67-19-39]~~. **63A-17-1007. Exemptions.**

6565 Peace officers, as defined under Title 53, Chapter 13, Peace Officer Classifications,  
6566 acting in their official capacity as peace officers in undercover roles and assignments, are

6567 exempt from the provisions of this act.

6568 Section 167. Section **63B-7-501** is amended to read:

6569 **63B-7-501. Revenue bond authorizations.**

6570 (1) (a) It is the intent of the Legislature that the State Building Ownership Authority,  
6571 under the authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act,  
6572 may issue or execute obligations, or enter into or arrange for a lease purchase agreement in  
6573 which participation interests may be created, to provide up to \$1,568,600 for the construction  
6574 of a Utah Correctional Industries Facility at the Central Utah Correctional Facility at Gunnison,  
6575 together with additional amounts necessary to pay costs of issuance, pay capitalized interest,  
6576 and fund any debt service requirements.

6577 (b) The State Building Ownership Authority shall work cooperatively with the  
6578 Department of Corrections to seek out the most cost effective and prudent lease purchase plan  
6579 available.

6580 (c) It is the intent of the Legislature that program revenues be used as the primary  
6581 revenue source for repayment of any obligation created under authority of this Subsection (1).

6582 (2) It is the intent of the Legislature that:

6583 (a) the State Board of Regents, on behalf of the University of Utah, issue, sell, and  
6584 deliver revenue bonds or other evidences of indebtedness of the University of Utah to borrow  
6585 money on the credit, income, and revenues of the University of Utah, other than appropriations  
6586 of the Legislature, to finance the cost of constructing, furnishing, and equipping student  
6587 housing;

6588 (b) University funds and housing rental revenues be used as the primary revenue source  
6589 for repayment of any obligation created under authority of this Subsection (2); and

6590 (c) the bonds or other evidences of indebtedness authorized by this Subsection (2) may  
6591 provide up to \$86,000,000 together with other amounts necessary to pay costs of issuance, pay  
6592 capitalized interest, and fund any debt service reserve requirements.

6593 (3) It is the intent of the Legislature that:

6594 (a) the State Board of Regents on behalf of the University of Utah issue, sell, and  
6595 deliver revenue bonds or other evidences of indebtedness of the University of Utah to borrow  
6596 money on the credit, income, and revenues of the University of Utah, other than appropriations  
6597 of the Legislature, to finance the cost of constructing, furnishing, and equipping a Health

6598 Sciences Parking Structure;

6599 (b) University funds and parking revenues be used as the primary revenue source for  
6600 repayment of any obligation created under authority of this Subsection (3); and

6601 (c) the bonds or other evidences of indebtedness authorized by this Subsection (3) may  
6602 provide up to \$12,000,000, together with other amounts necessary to pay costs of issuance, pay  
6603 capitalized interest, and fund any debt service reserve requirements.

6604 (4) It is the intent of the Legislature that:

6605 (a) the State Board of Regents, on behalf of the University of Utah, issue, sell, and  
6606 deliver revenue bonds or other evidences of indebtedness of the University of Utah to borrow  
6607 money on the credit and income and revenues of the University of Utah, other than  
6608 appropriations of the Legislature, to finance the cost of constructing, furnishing, and equipping  
6609 a Southwest Campus Parking Structure;

6610 (b) University funds and parking revenues be used as the primary revenue source for  
6611 repayment of any obligation created under authority of this Subsection (4); and

6612 (c) the bonds or other evidences of indebtedness authorized by this Subsection (4) may  
6613 provide up to \$7,200,000, together with other amounts necessary to pay costs of issuance, pay  
6614 capitalized interest, and fund any debt service reserve requirements.

6615 (5) It is the intent of the Legislature that:

6616 (a) the State Board of Regents, on behalf of the University of Utah, issue, sell, and  
6617 deliver revenue bonds or other evidences of indebtedness of the University of Utah to borrow  
6618 money on the credit and income and revenues of the University of Utah, other than  
6619 appropriations of the Legislature, to finance the cost of constructing, furnishing, and equipping  
6620 an expansion of the Eccles Broadcast Center;

6621 (b) University funds and service revenues be used as the primary revenue source for  
6622 repayment of any obligation created under authority of this Subsection (5); and

6623 (c) the bonds or other evidences of indebtedness authorized by this Subsection (5) may  
6624 provide up to \$5,100,000, together with other amounts necessary to pay costs of issuance, pay  
6625 capitalized interest, and fund any debt service reserve requirements.

6626 (6) It is the intent of the Legislature that:

6627 (a) the State Board of Regents, on behalf of the University of Utah, issue, sell, and  
6628 deliver revenue bonds or other evidences of indebtedness of the University of Utah to borrow

6629 money on the credit and income and revenues of the University of Utah, other than  
6630 appropriations of the Legislature, to finance the cost of constructing, furnishing, equipping, and  
6631 remodeling facilities for perinatal services, adult critical care services, clinical training and  
6632 support, and upgrade of the University Hospital Rehabilitation Unit, and for purchase of the  
6633 University Neuropsychiatric Institute and Summit Health Center in Park West;

6634 (b) University Hospital revenues be used as the primary revenue source for repayment  
6635 of any obligation created under authority of this Subsection (6); and

6636 (c) the bonds or other evidences of indebtedness authorized by this Subsection (6) may  
6637 provide up to \$23,300,000 together with other amounts necessary to pay costs of issuance, pay  
6638 capitalized interest, and fund any debt service reserve requirements.

6639 (7) It is the intent of the Legislature that:

6640 (a) the State Board of Regents, on behalf of Weber State University, issue, sell, and  
6641 deliver revenue bonds or other evidences of indebtedness of Weber State University to borrow  
6642 money on the credit and income and revenues of Weber State University, other than  
6643 appropriations of the Legislature, to finance the cost of constructing, furnishing, and equipping  
6644 student housing;

6645 (b) University funds and housing rental revenues be used as the primary revenue source  
6646 for repayment of any obligation created under authority of this Subsection (7); and

6647 (c) the bonds or other evidences of indebtedness authorized by this Subsection (7) may  
6648 provide up to \$19,000,000 together with other amounts necessary to pay costs of issuance, pay  
6649 capitalized interest, and fund any debt service reserve requirements.

6650 (8) (a) It is the intent of the Legislature that the State Building Ownership Authority,  
6651 under the authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act,  
6652 may issue or execute obligations, or enter into or arrange for a lease purchase agreement in  
6653 which participation interests may be created, to provide up to \$1,100,000 for the construction  
6654 of surplus property facilities for the Division of Fleet Operations, together with additional  
6655 amounts necessary to pay costs of issuance, pay capitalized interest, and fund any debt service  
6656 reserve requirements.

6657 (b) The State Building Ownership Authority shall work cooperatively with the  
6658 Department of [~~Administrative Services~~] Government Operations to seek out the most cost  
6659 effective and prudent lease purchase plan available.

6660 (c) It is the intent of the Legislature that Internal Service Fund revenues be used as the  
6661 primary revenue source for repayment of any obligation created under authority of this  
6662 Subsection (8).

6663 (9) (a) Contingent upon the state of Utah receiving a perfected security interest in  
6664 accordance with Senate Joint Resolution 14, 1998 Annual General Session, the State Building  
6665 Ownership Authority, under authority of Title 63B, Chapter 1, Part 3, State Building  
6666 Ownership Authority Act, may issue or execute obligations, or enter into or arrange for a lease  
6667 purchase agreement in which participation interests may be created, to provide up to  
6668 \$25,000,000 for the cost of constructing, furnishing, and equipping housing facilities at the  
6669 University of Utah, together with additional amounts necessary to:

6670 (i) pay costs of issuance;

6671 (ii) pay capitalized interest; and

6672 (iii) fund any debt service reserve requirements.

6673 (b) The State Building Ownership Authority and the University of Utah may enter into  
6674 real estate arrangements and security arrangements that are:

6675 (i) necessary to accomplish the purposes of this Subsection (9); and

6676 (ii) not inconsistent with the requirements of Senate Joint Resolution 14, 1998 Annual  
6677 General Session.

6678 (10) In order to achieve a debt service savings, it is the intent of the Legislature that the  
6679 State Building Ownership Authority, under authority of Title 63B, Chapter 1, Part 3, State  
6680 Building Ownership Authority Act, may issue or execute obligations, or enter into or arrange  
6681 for a lease purchase agreement in which participation interests may be created, to provide  
6682 sufficient funding to exercise the state's option to purchase the Youth Corrections Facility in  
6683 Salt Lake County currently financed by Salt Lake County.

6684 Section 168. Section **63E-1-302** is amended to read:

6685 **63E-1-302. Review by committee required for creating an independent entity.**

6686 (1) If a government requestor proposes that the Legislature create an independent  
6687 entity, that government requestor shall request that the committee review the proposal.

6688 (2) After receiving a request for review under Subsection (1), the chairs of the  
6689 committee:

6690 (a) shall schedule a meeting of the committee to review the proposal; and

6691 (b) may request information from executive and legislative branch entities and officers  
6692 concerning the proposal including:

6693 (i) whether or not the proposed independent entity should be exempt from any state  
6694 statute;

6695 (ii) the need for oversight of the proposed independent entity by an executive branch  
6696 agency;

6697 (iii) the need for and requirements of audits of the proposed independent entity;

6698 (iv) the custody of the proposed independent entity's funds;

6699 (v) the legal representation of the proposed independent entity;

6700 (vi) whether or not the state should receive services from or provide services to the  
6701 proposed independent entity; and

6702 (vii) the legal liability, if any, to the state if the proposed independent entity is created.

6703 (3) In requesting information from executive and legislative branch entities or officers  
6704 under Subsection (2), the committee should specifically consider seeking information from:

6705 (a) the state auditor;

6706 (b) the state treasurer;

6707 (c) the attorney general;

6708 (d) the risk manager; and

6709 (e) the executive director of the Department of [~~Administrative Services~~] Government  
6710 Operations.

6711 Section 169. Section **63G-1-301** is amended to read:

6712 **63G-1-301. Legal holidays -- Personal preference day -- Governor authorized to**  
6713 **declare additional days.**

6714 (1) (a) The following-named days are legal holidays in this state:

6715 (i) every Sunday;

6716 (ii) January 1, called New Year's Day;

6717 (iii) the third Monday of January, called Dr. Martin Luther King, Jr. Day;

6718 (iv) the third Monday of February, called Washington and Lincoln Day;

6719 (v) the last Monday of May, called Memorial Day;

6720 (vi) July 4, called Independence Day;

6721 (vii) July 24, called Pioneer Day;

6722 (viii) the first Monday of September, called Labor Day;  
6723 (ix) the second Monday of October, called Columbus Day;  
6724 (x) November 11, called Veterans Day;  
6725 (xi) the fourth Thursday of November, called Thanksgiving Day;  
6726 (xii) December 25, called Christmas; and  
6727 (xiii) all days which may be set apart by the President of the United States, or the  
6728 governor of this state by proclamation as days of fast or thanksgiving.  
6729 (b) If any of the holidays under Subsection (1)(a), except the first mentioned, namely  
6730 Sunday, falls on Sunday, then the following Monday shall be the holiday.  
6731 (c) If any of the holidays under Subsection (1)(a) falls on Saturday the preceding Friday  
6732 shall be the holiday.  
6733 (d) Each employee may select one additional day, called Personal Preference Day, to  
6734 be scheduled pursuant to rules adopted by the [~~Department~~] Division of Human Resource  
6735 Management.  
6736 (2) (a) Whenever in the governor's opinion extraordinary conditions exist justifying the  
6737 action, the governor may:  
6738 (i) declare, by proclamation, legal holidays in addition to those holidays under  
6739 Subsection (1); and  
6740 (ii) limit the holidays to certain classes of business and activities to be designated by  
6741 the governor.  
6742 (b) A holiday may not extend for a longer period than 60 consecutive days.  
6743 (c) Any holiday may be renewed for one or more periods not exceeding 30 days each as  
6744 the governor may consider necessary, and any holiday may, by like proclamation, be terminated  
6745 before the expiration of the period for which it was declared.  
6746 Section 170. Section **63G-2-501** is amended to read:  
6747 **63G-2-501. State Records Committee created -- Membership -- Terms --**  
6748 **Vacancies -- Expenses.**  
6749 (1) There is created the State Records Committee within the Department of  
6750 [~~Administrative Services~~] Government Operations consisting of the following seven  
6751 individuals:  
6752 (a) an individual in the private sector whose profession requires the individual to create

6753 or manage records that, if created by a governmental entity, would be private or controlled;

6754 (b) an individual with experience with electronic records and databases, as  
6755 recommended by a statewide technology advocacy organization that represents the public,  
6756 private, and nonprofit sectors;

6757 (c) the director of the Division of Archives and Records Services or the director's  
6758 designee;

6759 (d) two citizen members;

6760 (e) one person representing political subdivisions, as recommended by the Utah League  
6761 of Cities and Towns; and

6762 (f) one individual representing the news media.

6763 (2) The governor shall appoint the members described in Subsections (1)(a), (b), (d),  
6764 (e), and (f) with the advice and consent of the Senate in accordance with Title 63G, Chapter 24,  
6765 Part 2, Vacancies.

6766 (3) (a) Except as provided in Subsection (3)(b), the governor shall appoint each  
6767 member to a four-year term.

6768 (b) Notwithstanding Subsection (3)(a), the governor shall, at the time of appointment  
6769 or reappointment, adjust the length of terms to ensure that the terms of committee members are  
6770 staggered so that approximately half of the committee is appointed every two years.

6771 (c) Each appointed member is eligible for reappointment for one additional term.

6772 (4) When a vacancy occurs in the membership for any reason, the replacement shall be  
6773 appointed for the unexpired term.

6774 (5) A member of the State Records Committee may not receive compensation or  
6775 benefits for the member's service on the committee, but may receive per diem and travel  
6776 expenses in accordance with:

6777 (a) Section [63A-3-106](#);

6778 (b) Section [63A-3-107](#); and

6779 (c) rules made by the Division of Finance under Sections [63A-3-106](#) and [63A-3-107](#).

6780 (6) A member described in Subsection (1)(a), (b), (d), (e), or (f) shall comply with the  
6781 conflict of interest provisions described in Chapter 24, Part 3, Conflicts of Interest.

6782 Section 171. Section **63G-3-102** is amended to read:

6783 **63G-3-102. Definitions.**

6784 As used in this chapter:

6785 (1) "Administrative record" means information an agency relies upon when making a  
6786 rule under this chapter including:

6787 (a) the proposed rule, change in the proposed rule, and the rule analysis form;

6788 (b) the public comment received and recorded by the agency during the public  
6789 comment period;

6790 (c) the agency's response to the public comment;

6791 (d) the agency's analysis of the public comment; and

6792 (e) the agency's report of its decision-making process.

6793 (2) "Agency" means each state board, authority, commission, institution, department,  
6794 division, officer, or other state government entity other than the Legislature, its committees, the  
6795 political subdivisions of the state, or the courts, which is authorized or required by law to make  
6796 rules, adjudicate, grant or withhold licenses, grant or withhold relief from legal obligations, or  
6797 perform other similar actions or duties delegated by law.

6798 (3) "Bulletin" means the Utah State Bulletin.

6799 (4) "Catchline" means a short summary of each section, part, rule, or title of the code  
6800 that follows the section, part, rule, or title reference placed before the text of the rule and serves  
6801 the same function as boldface in legislation as described in Section [68-3-13](#).

6802 (5) "Code" means the body of all effective rules as compiled and organized by the  
6803 office and entitled "Utah Administrative Code."

6804 (6) "Department" means the Department of [~~Administrative Services~~] Government  
6805 Operations created in Section [63A-1-104](#).

6806 (7) "Director" means the director of the office.

6807 (8) "Effective" means operative and enforceable.

6808 (9) "Executive director" means the executive director of the department.

6809 (10) "File" means to submit a document to the office as prescribed by the office.

6810 (11) "Filing date" means the day and time the document is recorded as received by the  
6811 office.

6812 (12) "Interested person" means any person affected by or interested in a proposed rule,  
6813 amendment to an existing rule, or a nonsubstantive change made under Section [63G-3-402](#).

6814 (13) "Office" means the Office of Administrative Rules created in Section [63G-3-401](#).

6815 (14) "Order" means an agency action that determines the legal rights, duties, privileges,  
6816 immunities, or other interests of one or more specific persons, but not a class of persons.

6817 (15) "Person" means any individual, partnership, corporation, association,  
6818 governmental entity, or public or private organization of any character other than an agency.

6819 (16) "Publication" or "publish" means making a rule available to the public by  
6820 including the rule or a summary of the rule in the bulletin.

6821 (17) "Publication date" means the inscribed date of the bulletin.

6822 (18) "Register" may include an electronic database.

6823 (19) (a) "Rule" means an agency's written statement that:

6824 (i) is explicitly or implicitly required by state or federal statute or other applicable law;

6825 (ii) implements or interprets a state or federal legal mandate; and

6826 (iii) applies to a class of persons or another agency.

6827 (b) "Rule" includes the amendment or repeal of an existing rule.

6828 (c) "Rule" does not mean:

6829 (i) orders;

6830 (ii) an agency's written statement that applies only to internal management and that  
6831 does not restrict the legal rights of a public class of persons or another agency;

6832 (iii) the governor's executive orders or proclamations;

6833 (iv) opinions issued by the attorney general's office;

6834 (v) declaratory rulings issued by the agency according to Section 63G-4-503 except as  
6835 required by Section 63G-3-201;

6836 (vi) rulings by an agency in adjudicative proceedings, except as required by Subsection  
6837 63G-3-201(6); or

6838 (vii) an agency written statement that is in violation of any state or federal law.

6839 (20) "Rule analysis" means the format prescribed by the office to summarize and  
6840 analyze rules.

6841 (21) "Small business" means a business employing fewer than 50 persons.

6842 (22) "Substantive change" means a change in a rule that affects the application or  
6843 results of agency actions.

6844 Section 172. Section 63G-3-401 is amended to read:

6845 **63G-3-401. Office of Administrative Rules created -- Director.**

6846 (1) There is created within the Department of [~~Administrative Services~~] Government  
6847 Operations the Office of Administrative Rules, to be administered by a director.

6848 (2) (a) The executive director shall appoint the director.

6849 (b) The director shall hire, train, and supervise staff necessary for the office to carry out  
6850 the provisions of this chapter.

6851 Section 173. Section **63G-4-107** is amended to read:

6852 **63G-4-107. Petition to remove agency action from public access.**

6853 (1) An individual may petition the agency that maintains, on a state-controlled website  
6854 available to the public, a record of administrative disciplinary action, to remove the record of  
6855 administrative disciplinary action from public access on the state-controlled website, if:

6856 (a) (i) five years have passed since:

6857 (A) the date the final order was issued; or

6858 (B) if no final order was issued, the date the administrative disciplinary action was  
6859 commenced; or

6860 (ii) the individual has obtained a criminal expungement order under Title 77, Chapter  
6861 40, Utah Expungement Act, for the individual's criminal records related to the same incident or  
6862 conviction upon which the administrative disciplinary action was based;

6863 (b) the individual has successfully completed all action required by the agency relating  
6864 to the administrative disciplinary action within the time frame set forth in the final order, or if  
6865 no time frame is specified in the final order, within the time frame set forth in Title 63G,  
6866 Chapter 4, Administrative Procedures Act;

6867 (c) from the time that the original administrative disciplinary action was filed, the  
6868 individual has not violated the same statutory provisions or administrative rules related to those  
6869 statutory provisions that resulted in the original administrative disciplinary action; and

6870 (d) the individual pays an application fee determined by the agency in accordance with  
6871 Section [63J-1-504](#).

6872 (2) The individual petitioning the agency under Subsection (1) shall provide the agency  
6873 with a written request containing the following information:

6874 (a) the petitioner's full name, address, telephone number, and date of birth;

6875 (b) the information the petitioner seeks to remove from public access; and

6876 (c) an affidavit certifying that the petitioner is in compliance with the provisions of

6877 Subsection (1).

6878 (3) Within 30 days of receiving the documents and information described in

6879 Subsection (2):

6880 (a) the agency shall review the petition and all documents submitted with the petition  
6881 to determine whether the petitioner has met the requirements of Subsections (1) and (2); and

6882 (b) if the agency determines that the petitioner has met the requirements of Subsections  
6883 (1) and (2), the agency shall immediately remove the record of administrative disciplinary  
6884 action from public access on the state-controlled website.

6885 (4) Notwithstanding the provisions of Subsection (3), an agency is not required to  
6886 remove a recording, written minutes, or other electronic information from the Utah Public  
6887 Notice Website, created under Section [~~63F-1-701~~] [63A-16-601](#), if the recording, written  
6888 minutes, or other electronic information is required to be available to the public on the Utah  
6889 Public Notice Website under the provisions of Title 52, Chapter 4, Open and Public Meetings  
6890 Act.

6891 Section 174. Section **63G-6a-103** is amended to read:

6892 **63G-6a-103. Definitions.**

6893 As used in this chapter:

6894 (1) "Approved vendor" means a person who has been approved for inclusion on an  
6895 approved vendor list through the approved vendor list process.

6896 (2) "Approved vendor list" means a list of approved vendors established under Section  
6897 [63G-6a-507](#).

6898 (3) "Approved vendor list process" means the procurement process described in  
6899 Section [63G-6a-507](#).

6900 (4) "Bidder" means a person who submits a bid or price quote in response to an  
6901 invitation for bids.

6902 (5) "Bidding process" means the procurement process described in Part 6, Bidding.

6903 (6) "Board" means the Utah State Procurement Policy Board, created in Section  
6904 [63G-6a-202](#).

6905 (7) "Building board" means the State Building Board, created in Section [63A-5b-201](#).

6906 (8) "Change directive" means a written order signed by the procurement officer that  
6907 directs the contractor to suspend work or make changes, as authorized by contract, without the

6908 consent of the contractor.

6909 (9) "Change order" means a written alteration in specifications, delivery point, rate of  
6910 delivery, period of performance, price, quantity, or other provisions of a contract, upon mutual  
6911 agreement of the parties to the contract.

6912 (10) "Chief procurement officer" means the individual appointed under [~~Subsection~~  
6913 ~~63G-6a-302~~(H)] Section 63A-2-102.

6914 (11) "Conducting procurement unit" means a procurement unit that conducts all  
6915 aspects of a procurement:

6916 (a) except:

6917 (i) reviewing a solicitation to verify that it is in proper form; and

6918 (ii) causing the publication of a notice of a solicitation; and

6919 (b) including:

6920 (i) preparing any solicitation document;

6921 (ii) appointing an evaluation committee;

6922 (iii) conducting the evaluation process, except the process relating to scores calculated  
6923 for costs of proposals;

6924 (iv) selecting and recommending the person to be awarded a contract;

6925 (v) negotiating the terms and conditions of a contract, subject to the issuing  
6926 procurement unit's approval; and

6927 (vi) contract administration.

6928 (12) "Conservation district" means the same as that term is defined in Section  
6929 17D-3-102.

6930 (13) "Construction project":

6931 (a) means a project for the construction, renovation, alteration, improvement, or repair  
6932 of a public facility on real property, including all services, labor, supplies, and materials for the  
6933 project; and

6934 (b) does not include services and supplies for the routine, day-to-day operation, repair,  
6935 or maintenance of an existing public facility.

6936 (14) "Construction manager/general contractor":

6937 (a) means a contractor who enters into a contract:

6938 (i) for the management of a construction project; and

6939 (ii) that allows the contractor to subcontract for additional labor and materials that are  
6940 not included in the contractor's cost proposal submitted at the time of the procurement of the  
6941 contractor's services; and

6942 (b) does not include a contractor whose only subcontract work not included in the  
6943 contractor's cost proposal submitted as part of the procurement of the contractor's services is to  
6944 meet subcontracted portions of change orders approved within the scope of the project.

6945 (15) "Construction subcontractor":

6946 (a) means a person under contract with a contractor or another subcontractor to provide  
6947 services or labor for the design or construction of a construction project;

6948 (b) includes a general contractor or specialty contractor licensed or exempt from  
6949 licensing under Title 58, Chapter 55, Utah Construction Trades Licensing Act; and

6950 (c) does not include a supplier who provides only materials, equipment, or supplies to a  
6951 contractor or subcontractor for a construction project.

6952 (16) "Contract" means an agreement for a procurement.

6953 (17) "Contract administration" means all functions, duties, and responsibilities  
6954 associated with managing, overseeing, and carrying out a contract between a procurement unit  
6955 and a contractor, including:

6956 (a) implementing the contract;

6957 (b) ensuring compliance with the contract terms and conditions by the conducting  
6958 procurement unit and the contractor;

6959 (c) executing change orders;

6960 (d) processing contract amendments;

6961 (e) resolving, to the extent practicable, contract disputes;

6962 (f) curing contract errors and deficiencies;

6963 (g) terminating a contract;

6964 (h) measuring or evaluating completed work and contractor performance;

6965 (i) computing payments under the contract; and

6966 (j) closing out a contract.

6967 (18) "Contractor" means a person who is awarded a contract with a procurement unit.

6968 (19) "Cooperative procurement" means procurement conducted by, or on behalf of:

6969 (a) more than one procurement unit; or

- 6970 (b) a procurement unit and a cooperative purchasing organization.
- 6971 (20) "Cooperative purchasing organization" means an organization, association, or  
6972 alliance of purchasers established to combine purchasing power in order to obtain the best  
6973 value for the purchasers by engaging in procurements in accordance with Section [63G-6a-2105](#).
- 6974 (21) "Cost-plus-a-percentage-of-cost contract" means a contract under which the  
6975 contractor is paid a percentage of the total actual expenses or costs in addition to the  
6976 contractor's actual expenses or costs.
- 6977 (22) "Cost-reimbursement contract" means a contract under which a contractor is  
6978 reimbursed for costs which are allowed and allocated in accordance with the contract terms and  
6979 the provisions of this chapter, and a fee, if any.
- 6980 (23) "Days" means calendar days, unless expressly provided otherwise.
- 6981 (24) "Definite quantity contract" means a fixed price contract that provides for a  
6982 specified amount of supplies over a specified period, with deliveries scheduled according to a  
6983 specified schedule.
- 6984 (25) "Design professional" means:
- 6985 (a) an individual licensed as an architect under Title 58, Chapter 3a, Architects  
6986 Licensing Act;
- 6987 (b) an individual licensed as a professional engineer or professional land surveyor  
6988 under Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing  
6989 Act; or
- 6990 (c) an individual certified as a commercial interior designer under Title 58, Chapter 86,  
6991 State Certification of Commercial Interior Designers Act.
- 6992 (26) "Design professional procurement process" means the procurement process  
6993 described in Part 15, Design Professional Services.
- 6994 (27) "Design professional services" means:
- 6995 (a) professional services within the scope of the practice of architecture as defined in  
6996 Section [58-3a-102](#);
- 6997 (b) professional engineering as defined in Section [58-22-102](#);
- 6998 (c) master planning and programming services; or
- 6999 (d) services within the scope of the practice of commercial interior design, as defined  
7000 in Section [58-86-102](#).

7001 (28) "Design-build" means the procurement of design professional services and  
7002 construction by the use of a single contract.

7003 (29) "Division" means the Division of Purchasing and General Services, created in  
7004 Section [63A-2-101](#).

7005 (30) "Educational procurement unit" means:

7006 (a) a school district;

7007 (b) a public school, including a local school board or a charter school;

7008 (c) the Utah Schools for the Deaf and the Blind;

7009 (d) the Utah Education and Telehealth Network;

7010 (e) an institution of higher education of the state described in Section [53B-1-102](#); or

7011 (f) the State Board of Education.

7012 (31) "Established catalogue price" means the price included in a catalogue, price list,  
7013 schedule, or other form that:

7014 (a) is regularly maintained by a manufacturer or contractor;

7015 (b) is published or otherwise available for inspection by customers; and

7016 (c) states prices at which sales are currently or were last made to a significant number  
7017 of any category of buyers or buyers constituting the general buying public for the supplies or  
7018 services involved.

7019 (32) "Executive branch procurement unit" means a department, division, office,  
7020 bureau, agency, or other organization within the state executive branch.

7021 (33) "Facilities division" means the Division of Facilities Construction and  
7022 Management, created in Section [63A-5b-301](#).

7023 (34) "Fixed price contract" means a contract that provides a price, for each  
7024 procurement item obtained under the contract, that is not subject to adjustment except to the  
7025 extent that:

7026 (a) the contract provides, under circumstances specified in the contract, for an  
7027 adjustment in price that is not based on cost to the contractor; or

7028 (b) an adjustment is required by law.

7029 (35) "Fixed price contract with price adjustment" means a fixed price contract that  
7030 provides for an upward or downward revision of price, precisely described in the contract, that:

7031 (a) is based on the consumer price index or another commercially acceptable index,

7032 source, or formula; and

7033 (b) is not based on a percentage of the cost to the contractor.

7034 (36) "Grant" means an expenditure of public funds or other assistance, or an agreement  
7035 to expend public funds or other assistance, for a public purpose authorized by law, without  
7036 acquiring a procurement item in exchange.

7037 (37) "Immaterial error":

7038 (a) means an irregularity or abnormality that is:

7039 (i) a matter of form that does not affect substance; or

7040 (ii) an inconsequential variation from a requirement of a solicitation that has no, little,  
7041 or a trivial effect on the procurement process and that is not prejudicial to other vendors; and

7042 (b) includes:

7043 (i) a missing signature, missing acknowledgment of an addendum, or missing copy of a  
7044 professional license, bond, or insurance certificate;

7045 (ii) a typographical error;

7046 (iii) an error resulting from an inaccuracy or omission in the solicitation; and

7047 (iv) any other error that the procurement official reasonably considers to be immaterial.

7048 (38) "Indefinite quantity contract" means a fixed price contract that:

7049 (a) is for an indefinite amount of procurement items to be supplied as ordered by a  
7050 procurement unit; and

7051 (b) (i) does not require a minimum purchase amount; or

7052 (ii) provides a maximum purchase limit.

7053 (39) "Independent procurement unit" means:

7054 (a) (i) a legislative procurement unit;

7055 (ii) a judicial branch procurement unit;

7056 (iii) an educational procurement unit;

7057 (iv) a local government procurement unit;

7058 (v) a conservation district;

7059 (vi) a local building authority;

7060 (vii) a local district;

7061 (viii) a public corporation;

7062 (ix) a special service district; or

- 7063 (x) the Utah Communications Authority, established in Section 63H-7a-201;
- 7064 (b) the building board or the facilities division, but only to the extent of the
- 7065 procurement authority provided under Title 63A, Chapter 5b, Administration of State
- 7066 Facilities;
- 7067 (c) the attorney general, but only to the extent of the procurement authority provided
- 7068 under Title 67, Chapter 5, Attorney General;
- 7069 (d) the Department of Transportation, but only to the extent of the procurement
- 7070 authority provided under Title 72, Transportation Code; or
- 7071 (e) any other executive branch department, division, office, or entity that has statutory
- 7072 procurement authority outside this chapter, but only to the extent of that statutory procurement
- 7073 authority.
- 7074 (40) "Invitation for bids":
- 7075 (a) means a document used to solicit:
- 7076 (i) bids to provide a procurement item to a procurement unit; or
- 7077 (ii) quotes for a price of a procurement item to be provided to a procurement unit; and
- 7078 (b) includes all documents attached to or incorporated by reference in a document
- 7079 described in Subsection (40)(a).
- 7080 (41) "Issuing procurement unit" means a procurement unit that:
- 7081 (a) reviews a solicitation to verify that it is in proper form;
- 7082 (b) causes the notice of a solicitation to be published; and
- 7083 (c) negotiates and approves the terms and conditions of a contract.
- 7084 (42) "Judicial procurement unit" means:
- 7085 (a) the Utah Supreme Court;
- 7086 (b) the Utah Court of Appeals;
- 7087 (c) the Judicial Council;
- 7088 (d) a state judicial district; or
- 7089 (e) an office, committee, subcommittee, or other organization within the state judicial
- 7090 branch.
- 7091 (43) "Labor hour contract" is a contract under which:
- 7092 (a) the supplies and materials are not provided by, or through, the contractor; and
- 7093 (b) the contractor is paid a fixed rate that includes the cost of labor, overhead, and

7094 profit for a specified number of labor hours or days.

7095 (44) "Legislative procurement unit" means:

7096 (a) the Legislature;

7097 (b) the Senate;

7098 (c) the House of Representatives;

7099 (d) a staff office of the Legislature, the Senate, or the House of Representatives; or

7100 (e) a committee, subcommittee, commission, or other organization:

7101 (i) within the state legislative branch; or

7102 (ii) (A) that is created by statute to advise or make recommendations to the Legislature;

7103 (B) the membership of which includes legislators; and

7104 (C) for which the Office of Legislative Research and General Counsel provides staff  
7105 support.

7106 (45) "Local building authority" means the same as that term is defined in Section  
7107 [17D-2-102](#).

7108 (46) "Local district" means the same as that term is defined in Section [17B-1-102](#).

7109 (47) "Local government procurement unit" means:

7110 (a) a county or municipality, and each office or agency of the county or municipality,  
7111 unless the county or municipality adopts its own procurement code by ordinance;

7112 (b) a county or municipality that has adopted this entire chapter by ordinance, and each  
7113 office or agency of that county or municipality; or

7114 (c) a county or municipality that has adopted a portion of this chapter by ordinance, to  
7115 the extent that a term in the ordinance is used in the adopted portion of this chapter, and each  
7116 office or agency of that county or municipality.

7117 (48) "Multiple award contracts" means the award of a contract for an indefinite  
7118 quantity of a procurement item to more than one person.

7119 (49) "Multiyear contract" means a contract that extends beyond a one-year period,  
7120 including a contract that permits renewal of the contract, without competition, beyond the first  
7121 year of the contract.

7122 (50) "Municipality" means a city, town, or metro township.

7123 (51) "Nonadopting local government procurement unit" means:

7124 (a) a county or municipality that has not adopted Part 16, Protests, Part 17,

7125 Procurement Appeals Board, Part 18, Appeals to Court and Court Proceedings, and Part 19,  
7126 General Provisions Related to Protest or Appeal; and  
7127 (b) each office or agency of a county or municipality described in Subsection (51)(a).  
7128 (52) "Offeror" means a person who submits a proposal in response to a request for  
7129 proposals.  
7130 (53) "Preferred bidder" means a bidder that is entitled to receive a reciprocal preference  
7131 under the requirements of this chapter.  
7132 (54) "Procure" means to acquire a procurement item through a procurement.  
7133 (55) "Procurement" means the acquisition of a procurement item through an  
7134 expenditure of public funds, or an agreement to expend public funds, including an acquisition  
7135 through a public-private partnership.  
7136 (56) "Procurement item" means an item of personal property, a technology, a service,  
7137 or a construction project.  
7138 (57) "Procurement official" means:  
7139 (a) for a procurement unit other than an independent procurement unit, the chief  
7140 procurement officer;  
7141 (b) for a legislative procurement unit, the individual, individuals, or body designated in  
7142 a policy adopted by the Legislative Management Committee;  
7143 (c) for a judicial procurement unit, the Judicial Council or an individual or body  
7144 designated by the Judicial Council by rule;  
7145 (d) for a local government procurement unit:  
7146 (i) the legislative body of the local government procurement unit; or  
7147 (ii) an individual or body designated by the local government procurement unit;  
7148 (e) for a local district, the board of trustees of the local district or the board of trustees'  
7149 designee;  
7150 (f) for a special service district, the governing body of the special service district or the  
7151 governing body's designee;  
7152 (g) for a local building authority, the board of directors of the local building authority  
7153 or the board of directors' designee;  
7154 (h) for a conservation district, the board of supervisors of the conservation district or  
7155 the board of supervisors' designee;

7156 (i) for a public corporation, the board of directors of the public corporation or the board  
7157 of directors' designee;

7158 (j) for a school district or any school or entity within a school district, the board of the  
7159 school district or the board's designee;

7160 (k) for a charter school, the individual or body with executive authority over the charter  
7161 school or the designee of the individual or body;

7162 (l) for an institution of higher education described in Section 53B-2-101, the president  
7163 of the institution of higher education or the president's designee;

7164 (m) for the State Board of Education, the State Board of Education or the State Board  
7165 of Education's designee;

7166 (n) for the Utah Board of Higher Education, the Commissioner of Higher Education or  
7167 the designee of the Commissioner of Higher Education;

7168 (o) for the Utah Communications Authority, established in Section 63H-7a-201, the  
7169 executive director of the Utah Communications Authority or the executive director's designee;  
7170 or

7171 (p) (i) for the building board, and only to the extent of procurement activities of the  
7172 building board as an independent procurement unit under the procurement authority provided  
7173 under Title 63A, Chapter 5b, Administration of State Facilities, the director of the building  
7174 board or the director's designee;

7175 (ii) for the facilities division, and only to the extent of procurement activities of the  
7176 facilities division as an independent procurement unit under the procurement authority  
7177 provided under Title 63A, Chapter 5b, Administration of State Facilities, the director of the  
7178 facilities division or the director's designee;

7179 (iii) for the attorney general, and only to the extent of procurement activities of the  
7180 attorney general as an independent procurement unit under the procurement authority provided  
7181 under Title 67, Chapter 5, Attorney General, the attorney general or the attorney general's  
7182 designee;

7183 (iv) for the Department of Transportation created in Section 72-1-201, and only to the  
7184 extent of procurement activities of the Department of Transportation as an independent  
7185 procurement unit under the procurement authority provided under Title 72, Transportation  
7186 Code, the executive director of the Department of Transportation or the executive director's

7187 designee; or

7188 (v) for any other executive branch department, division, office, or entity that has  
7189 statutory procurement authority outside this chapter, and only to the extent of the procurement  
7190 activities of the department, division, office, or entity as an independent procurement unit  
7191 under the procurement authority provided outside this chapter for the department, division,  
7192 office, or entity, the chief executive officer of the department, division, office, or entity or the  
7193 chief executive officer's designee.

7194 (58) "Procurement unit":

7195 (a) means:

7196 (i) a legislative procurement unit;

7197 (ii) an executive branch procurement unit;

7198 (iii) a judicial procurement unit;

7199 (iv) an educational procurement unit;

7200 (v) the Utah Communications Authority, established in Section [63H-7a-201](#);

7201 (vi) a local government procurement unit;

7202 (vii) a local district;

7203 (viii) a special service district;

7204 (ix) a local building authority;

7205 (x) a conservation district;

7206 (xi) a public corporation; and

7207 (b) does not include a political subdivision created under Title 11, Chapter 13,  
7208 Interlocal Cooperation Act.

7209 (59) "Professional service" means labor, effort, or work that requires specialized  
7210 knowledge, expertise, and discretion, including labor, effort, or work in the field of:

7211 (a) accounting;

7212 (b) administrative law judge service;

7213 (c) architecture;

7214 (d) construction design and management;

7215 (e) engineering;

7216 (f) financial services;

7217 (g) information technology;

- 7218 (h) the law;
- 7219 (i) medicine;
- 7220 (j) psychiatry; or
- 7221 (k) underwriting.
- 7222 (60) "Protest officer" means:
- 7223 (a) for the division or an independent procurement unit:
- 7224 (i) the procurement official;
- 7225 (ii) the procurement official's designee who is an employee of the procurement unit; or
- 7226 (iii) a person designated by rule made by the rulemaking authority; or
- 7227 (b) for a procurement unit other than an independent procurement unit, the chief
- 7228 procurement officer or the chief procurement officer's designee who is an employee of the
- 7229 division.
- 7230 (61) "Public corporation" means the same as that term is defined in Section [63E-1-102](#).
- 7231 (62) "Public entity" means the state or any other government entity within the state that
- 7232 expends public funds.
- 7233 (63) "Public facility" means a building, structure, infrastructure, improvement, or other
- 7234 facility of a public entity.
- 7235 (64) "Public funds" means money, regardless of its source, including from the federal
- 7236 government, that is owned or held by a procurement unit.
- 7237 (65) "Public transit district" means a public transit district organized under Title 17B,
- 7238 Chapter 2a, Part 8, Public Transit District Act.
- 7239 (66) "Public-private partnership" means an arrangement or agreement, occurring on or
- 7240 after January 1, 2017, between a procurement unit and one or more contractors to provide for a
- 7241 public need through the development or operation of a project in which the contractor or
- 7242 contractors share with the procurement unit the responsibility or risk of developing, owning,
- 7243 maintaining, financing, or operating the project.
- 7244 (67) "Qualified vendor" means a vendor who:
- 7245 (a) is responsible; and
- 7246 (b) submits a responsive statement of qualifications under Section [63G-6a-410](#) that
- 7247 meets the minimum mandatory requirements, evaluation criteria, and any applicable score
- 7248 thresholds set forth in the request for statement of qualifications.

7249 (68) "Real property" means land and any building, fixture, improvement, appurtenance,  
7250 structure, or other development that is permanently affixed to land.

7251 (69) "Request for information" means a nonbinding process through which a  
7252 procurement unit requests information relating to a procurement item.

7253 (70) "Request for proposals" means a document used to solicit proposals to provide a  
7254 procurement item to a procurement unit, including all other documents that are attached to that  
7255 document or incorporated in that document by reference.

7256 (71) "Request for proposals process" means the procurement process described in Part  
7257 7, Request for Proposals.

7258 (72) "Request for statement of qualifications" means a document used to solicit  
7259 information about the qualifications of a person interested in responding to a potential  
7260 procurement, including all other documents attached to that document or incorporated in that  
7261 document by reference.

7262 (73) "Requirements contract" means a contract:

7263 (a) under which a contractor agrees to provide a procurement unit's entire requirements  
7264 for certain procurement items at prices specified in the contract during the contract period; and

7265 (b) that:

7266 (i) does not require a minimum purchase amount; or

7267 (ii) provides a maximum purchase limit.

7268 (74) "Responsible" means being capable, in all respects, of:

7269 (a) meeting all the requirements of a solicitation; and

7270 (b) fully performing all the requirements of the contract resulting from the solicitation,  
7271 including being financially solvent with sufficient financial resources to perform the contract.

7272 (75) "Responsive" means conforming in all material respects to the requirements of a  
7273 solicitation.

7274 (76) "Rule" includes a policy or regulation adopted by the rulemaking authority, if  
7275 adopting a policy or regulation is the method the rulemaking authority uses to adopt provisions  
7276 that govern the applicable procurement unit.

7277 (77) "Rulemaking authority" means:

7278 (a) for a legislative procurement unit, the Legislative Management Committee;

7279 (b) for a judicial procurement unit, the Judicial Council;

- 7280 (c) (i) only to the extent of the procurement authority expressly granted to the  
7281 procurement unit by statute:
- 7282 (A) for the building board or the facilities division, the building board;
  - 7283 (B) for the Office of the Attorney General, the attorney general;
  - 7284 (C) for the Department of Transportation created in Section 72-1-201, the executive  
7285 director of the Department of Transportation; and
  - 7286 (D) for any other executive branch department, division, office, or entity that has  
7287 statutory procurement authority outside this chapter, the governing authority of the department,  
7288 division, office, or entity; and
- 7289 (ii) for each other executive branch procurement unit, the board;
- 7290 (d) for a local government procurement unit:
- 7291 (i) the governing body of the local government unit; or
  - 7292 (ii) an individual or body designated by the local government procurement unit;
- 7293 (e) for a school district or a public school, the board, except to the extent of a school  
7294 district's own nonadministrative rules that do not conflict with the provisions of this chapter;
- 7295 (f) for a state institution of higher education, the Utah Board of Higher Education;
- 7296 (g) for the State Board of Education or the Utah Schools for the Deaf and the Blind, the  
7297 State Board of Education;
- 7298 (h) for a public transit district, the chief executive of the public transit district;
- 7299 (i) for a local district other than a public transit district or for a special service district,  
7300 the board, except to the extent that the board of trustees of the local district or the governing  
7301 body of the special service district makes its own rules:
- 7302 (i) with respect to a subject addressed by board rules; or
  - 7303 (ii) that are in addition to board rules;
- 7304 (j) for the Utah Educational Savings Plan, created in Section 53B-8a-103, the Utah  
7305 Board of Higher Education;
- 7306 (k) for the School and Institutional Trust Lands Administration, created in Section  
7307 53C-1-201, the School and Institutional Trust Lands Board of Trustees;
- 7308 (l) for the School and Institutional Trust Fund Office, created in Section 53D-1-201,  
7309 the School and Institutional Trust Fund Board of Trustees;
- 7310 (m) for the Utah Communications Authority, established in Section 63H-7a-201, the

7311 Utah Communications Authority board, created in Section [63H-7a-203](#); or

7312 (n) for any other procurement unit, the board.

7313 (78) "Service":

7314 (a) means labor, effort, or work to produce a result that is beneficial to a procurement  
7315 unit;

7316 (b) includes a professional service; and

7317 (c) does not include labor, effort, or work provided under an employment agreement or  
7318 a collective bargaining agreement.

7319 (79) "Small purchase process" means the procurement process described in Section  
7320 [63G-6a-506](#).

7321 (80) "Sole source contract" means a contract resulting from a sole source procurement.

7322 (81) "Sole source procurement" means a procurement without competition pursuant to  
7323 a determination under Subsection [63G-6a-802\(1\)\(a\)](#) that there is only one source for the  
7324 procurement item.

7325 (82) "Solicitation" means an invitation for bids, request for proposals, or request for  
7326 statement of qualifications.

7327 (83) "Solicitation response" means:

7328 (a) a bid submitted in response to an invitation for bids;

7329 (b) a proposal submitted in response to a request for proposals; or

7330 (c) a statement of qualifications submitted in response to a request for statement of  
7331 qualifications.

7332 (84) "Special service district" means the same as that term is defined in Section  
7333 [17D-1-102](#).

7334 (85) "Specification" means any description of the physical or functional characteristics  
7335 or of the nature of a procurement item included in an invitation for bids or a request for  
7336 proposals, or otherwise specified or agreed to by a procurement unit, including a description of:

7337 (a) a requirement for inspecting or testing a procurement item; or

7338 (b) preparing a procurement item for delivery.

7339 (86) "Standard procurement process" means:

7340 (a) the bidding process;

7341 (b) the request for proposals process;

- 7342 (c) the approved vendor list process;
- 7343 (d) the small purchase process; or
- 7344 (e) the design professional procurement process.
- 7345 (87) "State cooperative contract" means a contract awarded by the division for and in
- 7346 behalf of all public entities.
- 7347 (88) "Statement of qualifications" means a written statement submitted to a
- 7348 procurement unit in response to a request for statement of qualifications.
- 7349 (89) "Subcontractor":
- 7350 (a) means a person under contract to perform part of a contractual obligation under the
- 7351 control of the contractor, whether the person's contract is with the contractor directly or with
- 7352 another person who is under contract to perform part of a contractual obligation under the
- 7353 control of the contractor; and
- 7354 (b) includes a supplier, distributor, or other vendor that furnishes supplies or services
- 7355 to a contractor.
- 7356 (90) "Technology" means the same as "information technology," as defined in Section
- 7357 [63F-1-102](#).
- 7358 (91) "Tie bid" means that the lowest responsive bids of responsible bidders are
- 7359 identical in price.
- 7360 (92) "Time and materials contract" means a contract under which the contractor is paid:
- 7361 (a) the actual cost of direct labor at specified hourly rates;
- 7362 (b) the actual cost of materials and equipment usage; and
- 7363 (c) an additional amount, expressly described in the contract, to cover overhead and
- 7364 profit, that is not based on a percentage of the cost to the contractor.
- 7365 (93) "Transitional costs":
- 7366 (a) means the costs of changing:
- 7367 (i) from an existing provider of a procurement item to another provider of that
- 7368 procurement item; or
- 7369 (ii) from an existing type of procurement item to another type;
- 7370 (b) includes:
- 7371 (i) training costs;
- 7372 (ii) conversion costs;

- 7373 (iii) compatibility costs;
- 7374 (iv) costs associated with system downtime;
- 7375 (v) disruption of service costs;
- 7376 (vi) staff time necessary to implement the change;
- 7377 (vii) installation costs; and
- 7378 (viii) ancillary software, hardware, equipment, or construction costs; and
- 7379 (c) does not include:
  - 7380 (i) the costs of preparing for or engaging in a procurement process; or
  - 7381 (ii) contract negotiation or drafting costs.
- 7382 (94) "Vendor":
  - 7383 (a) means a person who is seeking to enter into a contract with a procurement unit to
  - 7384 provide a procurement item; and
  - 7385 (b) includes:
    - 7386 (i) a bidder;
    - 7387 (ii) an offeror;
    - 7388 (iii) an approved vendor;
    - 7389 (iv) a design professional; and
    - 7390 (v) a person who submits an unsolicited proposal under Section [63G-6a-712](#).
- 7391 Section 175. Section **63G-6a-106** is amended to read:
  - 7392 **63G-6a-106. Independent procurement units.**
  - 7393 (1) An independent procurement unit may, without the supervision, interference,
  - 7394 oversight, control, or involvement of the division or the chief procurement officer, but in
  - 7395 accordance with the requirements of this chapter:
    - 7396 (a) engage in a standard procurement process;
    - 7397 (b) acquire a procurement item under an exception, as provided in this chapter, to the
    - 7398 requirement to use a standard procurement process; or
    - 7399 (c) otherwise engage in an act authorized or required by this chapter.
  - 7400 (2) Notwithstanding Subsection (1), an independent procurement unit may agree in
  - 7401 writing with the division to extend the authority of the division or the chief procurement officer
  - 7402 to the procurement unit, as provided in the agreement.
  - 7403 (3) With respect to a procurement or contract over which an independent procurement

7404 unit's procurement official has authority, the procurement official may:

7405 (a) manage and supervise the procurement to ensure to the extent practicable that  
7406 taxpayers receive the best value;

7407 (b) prepare and issue standard specifications for procurement items;

7408 (c) review contracts, coordinate contract compliance, conduct contract audits, and  
7409 approve change orders;

7410 (d) delegate duties and authority to an employee of the procurement unit, as the  
7411 independent procurement unit's procurement official considers appropriate;

7412 (e) for the procurement official of an executive branch procurement unit that is an  
7413 independent procurement unit, coordinate with the ~~[Department]~~ Division of Technology  
7414 Services, created in Section ~~[63F-1-103]~~ 63A-16-103, with respect to the procurement unit's  
7415 procurement of information technology services;

7416 (f) correct, amend, or cancel a procurement at any stage of the procurement process if  
7417 the procurement is out of compliance with this chapter or a rule adopted by the rulemaking  
7418 authority;

7419 (g) attempt to resolve a contract dispute in coordination with the legal counsel of the  
7420 independent procurement unit; and

7421 (h) at any time during the term of a contract awarded by the independent procurement  
7422 unit, correct or amend a contract to bring it into compliance or cancel the contract:

7423 (i) if the procurement official determines that correcting, amending, or canceling the  
7424 contract is in the best interest of the procurement unit; and

7425 (ii) after consulting with, as applicable, the attorney general's office or the procurement  
7426 unit's legal counsel.

7427 (4) The attorney general may, in accordance with the provisions of this chapter, but  
7428 without involvement by the division or the chief procurement officer:

7429 (a) retain outside counsel, subject to Section 67-5-33 if the attorney general retains  
7430 outside counsel under a contingent fee contract, as defined in that section; or

7431 (b) procure litigation support services, including retaining an expert witness.

7432 (5) An independent procurement unit that is not represented by the attorney general's  
7433 office may, in accordance with the provisions of this chapter, but without involvement by the  
7434 division or the chief procurement officer:

- 7435 (a) retain outside counsel; or
- 7436 (b) procure litigation support services, including retaining an expert witness.
- 7437 (6) The state auditor's office may, in accordance with the provisions of this chapter, but
- 7438 without involvement by the division or the chief procurement officer, procure audit services.
- 7439 (7) The state treasurer may, in accordance with the provisions of this chapter, but
- 7440 without involvement by the division or the chief procurement officer, procure:
- 7441 (a) deposit services; and
- 7442 (b) services related to issuing bonds.
- 7443 Section 176. Section **63G-6a-116** is amended to read:
- 7444 **63G-6a-116. Procurement of administrative law judge service.**
- 7445 (1) As used in this section:
- 7446 (a) "Administrative law judge" means the same as that term is defined in Section
- 7447 ~~[67-19c-102]~~ [63A-17-701](#).
- 7448 (b) "Administrative law judge service" means service provided by an administrative
- 7449 law judge.
- 7450 (2) A procurement unit shall use a standard procurement process under this chapter for
- 7451 the procurement of administrative law judge service.
- 7452 (3) For a procurement of administrative law judge service, an evaluation committee
- 7453 shall consist of:
- 7454 (a) the head of the conducting procurement unit, or the head's designee;
- 7455 (b) the head of an executive branch procurement unit other than the conducting
- 7456 procurement unit, appointed by the ~~[executive]~~ director of the ~~[Department]~~ Division of
- 7457 Human Resource Management, or the head's designee; and
- 7458 (c) the ~~[executive]~~ director of the ~~[Department]~~ Division of Human Resource
- 7459 Management, or the ~~[executive]~~ director's designee.
- 7460 (4) Within 30 days after the day on which a conducting procurement unit awards a
- 7461 contract for administrative law judge service, the conducting procurement unit shall give
- 7462 written notice to the ~~[Department]~~ Division of Human Resource Management that states:
- 7463 (a) that the conducting procurement unit awarded a contract for administrative law
- 7464 judge service;
- 7465 (b) the name of the conducting procurement unit; and

- 7466 (c) the expected term of the contract.
- 7467 (5) A procurement of administrative law judge service using a small purchase process
- 7468 is subject to rules made pursuant to Subsection 63G-6a-506(2)(c).
- 7469 Section 177. Section **63G-6a-202** is amended to read:
- 7470 **63G-6a-202. Creation of Utah State Procurement Policy Board.**
- 7471 (1) There is created the Utah State Procurement Policy Board.
- 7472 (2) The board consists of up to 15 members as follows:
- 7473 (a) two representatives of state institutions of higher education, appointed by the Utah
- 7474 Board of Higher Education;
- 7475 (b) a representative of the Department of Human Services, appointed by the executive
- 7476 director of that department;
- 7477 (c) a representative of the Department of Transportation, appointed by the executive
- 7478 director of that department;
- 7479 (d) two representatives of school districts, appointed by the State Board of Education;
- 7480 (e) a representative of the Division of Facilities Construction and Management,
- 7481 appointed by the director of that division;
- 7482 (f) one representative of a county, appointed by the Utah Association of Counties;
- 7483 (g) one representative of a city or town, appointed by the Utah League of Cities and
- 7484 Towns;
- 7485 (h) two representatives of local districts or special service districts, appointed by the
- 7486 Utah Association of Special Districts;
- 7487 (i) the [~~executive~~] director of the [~~Department~~] Division of Technology Services or the
- 7488 executive director's designee;
- 7489 (j) the chief procurement officer or the chief procurement officer's designee; and
- 7490 (k) two representatives of state agencies, other than a state agency already represented
- 7491 on the board, appointed by the executive director of the Department of [~~Administrative~~
- 7492 Services] Government Operations, with the approval of the executive director of the state
- 7493 agency that employs the employee.
- 7494 (3) Members of the board shall be knowledgeable and experienced in, and have
- 7495 supervisory responsibility for, procurement in their official positions.
- 7496 (4) A board member may serve as long as the member meets the description in

7497 Subsection (2) unless removed by the person or entity with the authority to appoint the board  
7498 member.

7499 (5) (a) The board shall:

7500 (i) adopt rules of procedure for conducting its business; and

7501 (ii) elect a chair to serve for one year.

7502 (b) The chair of the board shall be selected by a majority of the members of the board  
7503 and may be elected to succeeding terms.

7504 (c) The chief procurement officer shall designate an employee of the division to serve  
7505 as the nonvoting secretary to the policy board.

7506 (6) A member of the board may not receive compensation or benefits for the member's  
7507 service, but may receive per diem and travel expenses in accordance with:

7508 (a) Section 63A-3-106;

7509 (b) Section 63A-3-107; and

7510 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
7511 63A-3-107.

7512 Section 178. Section 63G-6a-302 is amended to read:

7513 **63G-6a-302. Chief procurement officer -- Qualifications -- Authority.**

7514 [~~(1) The executive director of the Department of Administrative Services, with the~~  
7515 ~~consent of the governor, shall appoint the chief procurement officer after considering~~  
7516 ~~recommendations from the board.]~~

7517 [~~(2)~~] (1) The chief procurement officer shall:

7518 (a) have a minimum of eight years' experience:

7519 (i) (A) in the large-scale procurement of supplies, services, or construction; or

7520 (B) negotiating contract terms and conditions; and

7521 (ii) at least five years of which shall have been in public or comparable private  
7522 procurement within 12 years preceding the date of appointment; and

7523 (b) be a person with demonstrated executive and organizational ability.

7524 [~~(3)~~] (2) The chief procurement officer [~~appointed under Subsection (1)~~] is also the  
7525 director of the Division of Purchasing and General Services.

7526 [~~(4)~~] (3) The chief procurement officer has authority over a procurement by a  
7527 procurement unit, except:

- 7528 (a) an independent procurement unit; or  
7529 (b) as otherwise expressly provided in this chapter.
- 7530 Section 179. Section **63G-6a-303** is amended to read:
- 7531 **63G-6a-303. Role, duties, and authority of chief procurement officer.**
- 7532 (1) The chief procurement officer:
- 7533 (a) is the director of the division;  
7534 (b) serves as the central procurement officer of the state;  
7535 (c) serves as a voting member of the board; and  
7536 (d) serves as the protest officer for a protest relating to a procurement of an executive  
7537 branch procurement, except an executive branch procurement unit designated under Subsection  
7538 **63G-6a-103**(39)(b), (c), (d), or (e) as an independent procurement unit, or a state cooperative  
7539 contract procurement, unless the chief procurement officer designates another to serve as  
7540 protest officer, as authorized in this chapter.
- 7541 (2) Except as otherwise provided in this chapter, the chief procurement officer shall:
- 7542 (a) develop procurement policies and procedures supporting ethical procurement  
7543 practices, fair and open competition among vendors, and transparency within the state's  
7544 procurement process;
- 7545 (b) administer the state's cooperative purchasing program, including state cooperative  
7546 contracts and associated administrative fees;
- 7547 (c) enter into an agreement with a public entity for services provided by the division, if  
7548 the agreement is in the best interest of the state;
- 7549 (d) ensure the division's compliance with any applicable law, rule, or policy, including  
7550 a law, rule, or policy applicable to the division's role as an issuing procurement unit or  
7551 conducting procurement unit, or as the state's central procurement organization;
- 7552 (e) manage the division's electronic procurement system;
- 7553 (f) oversee the recruitment, training, career development, certification requirements,  
7554 and performance evaluation of the division's procurement personnel;
- 7555 (g) make procurement training available to procurement units and persons who do  
7556 business with procurement units;
- 7557 (h) provide exemplary customer service and continually improve the division's  
7558 procurement operations;

7559 (i) exercise all other authority, fulfill all other duties and responsibilities, and perform  
7560 all other functions authorized under this chapter; and

7561 (j) ensure that any training described in this Subsection (2) complies with Title 63G,  
7562 Chapter 22, State Training and Certification Requirements.

7563 (3) With respect to a procurement or contract over which the chief procurement officer  
7564 has authority under this chapter, the chief procurement officer, except as otherwise provided in  
7565 this chapter:

7566 (a) shall:

7567 (i) manage and supervise a procurement to ensure to the extent practicable that  
7568 taxpayers receive the best value;

7569 (ii) prepare and issue standard specifications for procurement items;

7570 (iii) review contracts, coordinate contract compliance, conduct contract audits, and  
7571 approve change orders;

7572 (iv) in accordance with Section [~~63F-1-205~~] [63A-16-204](#), coordinate with the  
7573 [~~Department~~] Division of Technology Services, created in Section [~~63F-1-103~~] [63A-16-103](#),  
7574 with respect to the procurement of information technology services by an executive branch  
7575 procurement unit;

7576 (v) correct, amend, or cancel a procurement at any stage of the procurement process if  
7577 the procurement is out of compliance with this chapter or a board rule;

7578 (vi) after consultation with the attorney general's office, correct, amend, or cancel a  
7579 contract at any time during the term of the contract if:

7580 (A) the contract is out of compliance with this chapter or a board rule; and

7581 (B) the chief procurement officer determines that correcting, amending, or canceling  
7582 the contract is in the best interest of the state; and

7583 (vii) make a reasonable attempt to resolve a contract dispute, in coordination with the  
7584 attorney general's office; and

7585 (b) may:

7586 (i) delegate limited purchasing authority to a state agency, with appropriate oversight  
7587 and control to ensure compliance with this chapter;

7588 (ii) delegate duties and authority to an employee of the division, as the chief  
7589 procurement officer considers appropriate;

7590 (iii) negotiate and settle contract overcharges, undercharges, and claims, in accordance  
7591 with the law and after consultation with the attorney general's office;

7592 (iv) authorize a procurement unit to make a procurement pursuant to a regional  
7593 solicitation, as defined in Subsection 63G-6a-2105(7), even if the procurement item is also  
7594 offered under a state cooperative contract, if the chief procurement officer determines that the  
7595 procurement pursuant to a regional solicitation is in the best interest of the acquiring  
7596 procurement unit; and

7597 (v) remove an individual from the procurement process or contract administration for:

7598 (A) having a conflict of interest or the appearance of a conflict of interest with a person  
7599 responding to a solicitation or with a contractor;

7600 (B) having a bias or the appearance of bias for or against a person responding to a  
7601 solicitation or for or against a contractor;

7602 (C) making an inconsistent or unexplainable score for a solicitation response;

7603 (D) having inappropriate contact or communication with a person responding to a  
7604 solicitation;

7605 (E) socializing inappropriately with a person responding to a solicitation or with a  
7606 contractor;

7607 (F) engaging in any other action or having any other association that causes the chief  
7608 procurement officer to conclude that the individual cannot fairly evaluate a solicitation  
7609 response or administer a contract; or

7610 (G) any other violation of a law, rule, or policy.

7611 (4) The chief procurement officer may not delegate to an individual outside the  
7612 division the chief procurement officer's authority over a procurement described in Subsection  
7613 (3)(a)(iv).

7614 (5) The chief procurement officer has final authority to determine whether an executive  
7615 branch procurement unit's anticipated expenditure of public funds, anticipated agreement to  
7616 expend public funds, or provision of a benefit constitutes a procurement that is subject to this  
7617 chapter.

7618 (6) Except as otherwise provided in this chapter, the chief procurement officer shall  
7619 review, monitor, and audit the procurement activities and delegated procurement authority of  
7620 an executive branch procurement unit, except to the extent that an executive branch

7621 procurement unit is designated under Subsection 63G-6a-103(39)(b), (c), (d), or (e) as an  
7622 independent procurement unit, to ensure compliance with this chapter, rules made by the  
7623 applicable rulemaking authority, and division policies.

7624 Section 180. Section 63G-6a-506 is amended to read:

7625 **63G-6a-506. Small purchases.**

7626 (1) As used in this section:

7627 (a) "Annual cumulative threshold" means the maximum total annual amount,  
7628 established by the rulemaking authority under Subsection (2), that a procurement unit may  
7629 expend to obtain procurement items from the same source under this section.

7630 (b) "Individual procurement threshold" means the maximum amount, established by  
7631 the rulemaking authority under Subsection (2), for which a procurement unit may purchase a  
7632 procurement item under this section.

7633 (c) "Single procurement aggregate threshold" means the maximum total amount,  
7634 established by the rulemaking authority under Subsection (2), that a procurement unit may  
7635 expend to obtain multiple procurement items from one source at one time under this section.

7636 (2) (a) The rulemaking authority may make rules governing small purchases of any  
7637 procurement item, including construction, job order contracting, design professional services,  
7638 other professional services, information technology, and goods.

7639 (b) Rules under Subsection (2)(a) may include provisions:

7640 (i) establishing expenditure thresholds, including:

7641 (A) an annual cumulative threshold;

7642 (B) an individual procurement threshold; and

7643 (C) a single procurement aggregate threshold;

7644 (ii) establishing procurement requirements relating to the thresholds described in  
7645 Subsection (2)(b)(i); and

7646 (iii) providing for the use of electronic, telephone, or written quotes.

7647 (c) If a procurement unit obtains administrative law judge service through a small  
7648 purchase standard procurement process, rules made under Subsection (2)(a) shall provide that  
7649 the process for the procurement of administrative law judge service include an evaluation  
7650 committee described in Subsection 63G-6a-116(3).

7651 (3) Expenditures made under this section by a procurement unit may not exceed a

7652 threshold established by the rulemaking authority, unless the procurement official gives written  
7653 authorization to exceed the threshold that includes the reasons for exceeding the threshold.

7654 (4) Except as provided in Subsection (5), an executive branch procurement unit may  
7655 not obtain a procurement item through a small purchase standard procurement process if the  
7656 procurement item may be obtained through a state cooperative contract or a contract awarded  
7657 by the chief procurement officer under Subsection [63G-6a-2105\(1\)](#).

7658 (5) Subsection (4) does not apply if:

7659 (a) the procurement item is obtained for an unanticipated, urgent, or emergency  
7660 condition, including:

7661 (i) an item needed to avoid stopping a public construction project;

7662 (ii) an immediate repair to a facility or equipment; or

7663 (iii) another emergency condition; or

7664 (b) the chief procurement officer or the procurement official of a procurement unit that  
7665 is an executive branch procurement unit with independent procurement authority:

7666 (i) determines in writing that it is in the best interest of the procurement unit to obtain  
7667 an individual procurement item outside of the state contract, comparing:

7668 (A) the contract terms and conditions applicable to the procurement item under the  
7669 state contract with the contract terms and conditions applicable to the procurement item if the  
7670 procurement item is obtained outside of the state contract;

7671 (B) the maintenance and service applicable to the procurement item under the state  
7672 contract with the maintenance and service applicable to the procurement item if the  
7673 procurement item is obtained outside of the state contract;

7674 (C) the warranties applicable to the procurement item under the state contract with the  
7675 warranties applicable to the procurement item if the procurement item is obtained outside of  
7676 the state contract;

7677 (D) the quality of the procurement item under the state contract with the quality of the  
7678 procurement item if the procurement item is obtained outside of the state contract; and

7679 (E) the ability of the vendor under the state contract to match the quoted cost of the  
7680 procurement item if the procurement item is obtained outside of the state contract;

7681 (ii) for a procurement item that, if defective in its manufacture, installation, or  
7682 performance, may result in serious physical injury, death, or substantial property damage,

7683 determines in writing that the terms and conditions, relating to liability for injury, death, or  
7684 property damage, available from the source other than the contractor who holds the state  
7685 contract, are similar to, or better than, the terms and conditions available under the state  
7686 contract; and

7687 (iii) grants an exception, in writing, to the requirement described in Subsection (4).

7688 (6) Except as otherwise expressly provided in this section, a procurement unit:

7689 (a) may not use the small purchase standard procurement process described in this  
7690 section for ongoing, continuous, and regularly scheduled procurements that exceed the annual  
7691 cumulative threshold; and

7692 (b) shall make its ongoing, continuous, and regularly scheduled procurements that  
7693 exceed the annual cumulative threshold through a contract awarded through another standard  
7694 procurement process described in this chapter or an applicable exception to another standard  
7695 procurement process, described in Part 8, Exceptions to Procurement Requirements.

7696 (7) This section does not prohibit regularly scheduled payments for a procurement item  
7697 obtained under another provision of this chapter.

7698 (8) (a) It is unlawful for a person knowingly to divide a single procurement into  
7699 multiple smaller procurements, including by dividing an invoice or purchase order into  
7700 multiple invoices or purchase orders, if:

7701 (i) the single procurement would not have qualified as a small purchase under this  
7702 section;

7703 (ii) one or more of the multiple smaller procurements qualify as a small purchase under  
7704 this section; and

7705 (iii) the division is done with the intent to:

7706 (A) avoid having to use a standard procurement process, other than the small purchase  
7707 process, that the person would otherwise be required to use for the single procurement; or

7708 (B) make one or more of the multiple smaller procurements fall below a small  
7709 purchase expenditure threshold established by rule under Subsection (2)(b) that the single  
7710 procurement would not have fallen below without the division.

7711 (b) A violation of Subsection (8)(a) is subject to penalties as provided in Subsection  
7712 [63G-6a-2404.3\(2\)](#).

7713 (9) The Division of Finance within the Department of [~~Administrative Services~~]

7714 Government Operations may conduct an audit of an executive branch procurement unit to  
7715 verify compliance with the requirements of this section.

7716 (10) An executive branch procurement unit may not make a small purchase after  
7717 January 1, 2014, unless the chief procurement officer certifies that the person responsible for  
7718 procurements in the procurement unit has satisfactorily completed training on this section and  
7719 the rules made under this section.

7720 Section 181. Section **63G-7-901** is amended to read:

7721 **63G-7-901. Expenses of attorney general, general counsel for state judiciary, and**  
7722 **general counsel for the Legislature in representing the state, the state's branches,**  
7723 **members, or employees.**

7724 (1) (a) The Office of the Attorney General has primary responsibility to provide legal  
7725 representation to the judicial, executive, and legislative branches of state government in cases  
7726 where coverage under the Risk Management Fund created by Section [63A-4-201](#) applies.

7727 (b) When the attorney general has primary responsibility to provide legal representation  
7728 to the judicial or legislative branches, the attorney general shall consult with the general  
7729 counsel for the state judiciary and with the general counsel for the Legislature, to solicit their  
7730 assistance in defending their respective branch, and in determining strategy and making  
7731 decisions concerning the disposition of those claims.

7732 (c) Notwithstanding Subsection (1)(b), the decision for settlement of monetary claims  
7733 in those cases lies with the attorney general and the state risk manager.

7734 (2) (a) If the Judicial Council, after consultation with the general counsel for the state  
7735 judiciary, determines that the Office of the Attorney General cannot adequately defend the state  
7736 judiciary, its members, or employees because of a conflict of interest, separation of powers  
7737 concerns, or other political or legal differences, the Judicial Council may direct its general  
7738 counsel to separately represent and defend it.

7739 (b) If the general counsel for the state judiciary undertakes independent legal  
7740 representation of the state judiciary, its members, or employees, the general counsel shall notify  
7741 the state risk manager and the attorney general in writing before undertaking that  
7742 representation.

7743 (c) If the state judiciary elects to be represented by its own counsel under this section,  
7744 the decision for settlement of claims against the state judiciary, its members, or employees,

7745 where Risk Management Fund coverage applies, lies with the general counsel for the state  
7746 judiciary and the state risk manager.

7747 (3) (a) If the Legislative Management Committee, after consultation with the general  
7748 counsel for the Legislature, determines that the Office of the Attorney General cannot  
7749 adequately defend the legislative branch, its members, or employees because of a conflict of  
7750 interest, separation of powers concerns, or other political or legal differences, the Legislative  
7751 Management Committee may direct its general counsel to separately represent and defend it.

7752 (b) If the general counsel for the Legislature undertakes independent legal  
7753 representation of the Legislature, its members, or employees, the general counsel shall notify  
7754 the state risk manager and the attorney general in writing before undertaking that  
7755 representation.

7756 (c) If the legislative branch elects to be represented by its own counsel under this  
7757 section, the decision for settlement of claims against the legislative branch, its members, or  
7758 employees, where Risk Management Fund coverage applies, lies with the general counsel for  
7759 the Legislature and the state risk manager.

7760 (4) (a) Notwithstanding the provisions of Section [67-5-3](#) or any other provision of the  
7761 Utah Code, the attorney general, the general counsel for the state judiciary, and the general  
7762 counsel for the Legislature may bill the Department of [~~Administrative Services~~] Government  
7763 Operations for all costs and legal fees expended by their respective offices, including attorneys'  
7764 and secretarial salaries, in representing the state or any indemnified employee against any claim  
7765 for which the Risk Management Fund may be liable and in advising state agencies and  
7766 employees regarding any of those claims.

7767 (b) The risk manager shall draw funds from the Risk Management Fund for this  
7768 purpose.

7769 Section 182. Section **63G-9-303** is amended to read:

7770 **63G-9-303. Meeting to examine claims -- Notice of meeting.**

7771 (1) At least 60 days preceding the annual general session of the Legislature, the board  
7772 shall hold a session for the purpose of examining the claims referred to in Section [63G-9-302](#),  
7773 and may adjourn from time to time until the work is completed.

7774 (2) The board shall cause notice of such meeting or meetings to be published on the  
7775 Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#).

7776 Section 183. Section **63G-10-501** is amended to read:

7777 **63G-10-501. Definitions.**

7778 As used in this part:

7779 (1) "Executive director" means the individual appointed under Section **63A-1-105** as  
7780 the executive director of the Department of [~~Administrative Services~~] Government Operations,  
7781 created in Section **63A-1-104**.

7782 (2) "Risk management fund" means the fund created in Section **63A-4-201**.

7783 (3) "Risk manager" means the state risk manager appointed under Section **63A-4-101**.

7784 Section 184. Section **63G-21-102** is amended to read:

7785 **63G-21-102. Definitions.**

7786 As used in this chapter:

7787 (1) "Designated agency" means:

7788 (a) the Governor's Office of Economic Development;

7789 (b) the Division of Wildlife Resources;

7790 (c) the Department of Public Safety;

7791 (d) the [~~Department~~] Division of Technology Services; or

7792 (e) the Department of Workforce Services.

7793 (2) (a) "State service" means a service or benefit regularly provided to the public by a  
7794 designated agency.

7795 (b) "State service" includes:

7796 (i) for the Governor's Office of Economic Development or the [~~Department~~] Division  
7797 of Technology Services, public high-speed Internet access;

7798 (ii) for the Division of Wildlife Resources, fishing, hunting, and trapping licenses;

7799 (iii) for the Department of Public Safety, fingerprinting, an online driver license  
7800 renewal, online appointment scheduling, an online motor vehicle record request, and an online  
7801 change of address with the Driver License Division; and

7802 (iv) for the Department of Workforce Services, online job searches, verification of  
7803 submission for benefits administered by the Department of Workforce Services, online  
7804 unemployment applications, online food stamp applications, and online appointment  
7805 scheduling.

7806 (3) "USPS" means the United States Postal Service.

7807 Section 185. Section **63J-1-206** is amended to read:

7808 **63J-1-206. Appropriations governed by chapter -- Restrictions on expenditures --**

7809 **Transfer of funds -- Exclusion.**

7810 (1) (a) Except as provided in Subsections (1)(b) and (2)(e), or where expressly  
7811 exempted in the appropriating act:

7812 (i) all money appropriated by the Legislature is appropriated upon the terms and  
7813 conditions set forth in this chapter; and

7814 (ii) any department, agency, or institution that accepts money appropriated by the  
7815 Legislature does so subject to the requirements of this chapter.

7816 (b) This section does not apply to:

7817 (i) the Legislature and its committees; and

7818 (ii) the Investigation Account of the Water Resources Construction Fund, which is  
7819 governed by Section [73-10-8](#).

7820 (2) (a) Each item of appropriation is to be expended subject to any schedule of  
7821 programs and any restriction attached to the item of appropriation, as designated by the  
7822 Legislature.

7823 (b) Each schedule of programs or restriction attached to an appropriation item:

7824 (i) is a restriction or limitation upon the expenditure of the respective appropriation  
7825 made;

7826 (ii) does not itself appropriate any money; and

7827 (iii) is not itself an item of appropriation.

7828 (c) (i) An appropriation or any surplus of any appropriation may not be diverted from  
7829 any department, agency, institution, division, or line item to any other department, agency,  
7830 institution, division, or line item.

7831 (ii) If the money appropriated to an agency to pay lease payments under the program  
7832 established in Section [63A-5b-703](#) exceeds the amount required for the agency's lease  
7833 payments to the Division of Facilities Construction and Management, the agency may:

7834 (A) transfer money from the lease payments line item to other line items within the  
7835 agency; and

7836 (B) retain and use the excess money for other purposes.

7837 (d) The money appropriated subject to a schedule of programs or restriction may be

7838 used only for the purposes authorized.

7839 (e) In order for a department, agency, or institution to transfer money appropriated to it  
7840 from one program to another program within a line item, the department, agency, or institution  
7841 shall revise its budget execution plan as provided in Section [63J-1-209](#).

7842 (f) (i) The procedures for transferring money between programs within a line item as  
7843 provided by Subsection (2)(e) do not apply to money appropriated to the State Board of  
7844 Education for the Minimum School Program or capital outlay programs created in Title 53F,  
7845 Chapter 3, State Funding -- Capital Outlay Programs.

7846 (ii) The state superintendent may transfer money appropriated for the programs  
7847 specified in Subsection (2)(f)(i) only as provided by Section [53F-2-205](#).

7848 (3) Notwithstanding Subsection (2)(c)(i):

7849 (a) the state superintendent may transfer money appropriated for the Minimum School  
7850 Program between line items in accordance with Section [53F-2-205](#);

7851 (b) the Department of [~~Administrative Services~~] Government Operations may transfer  
7852 money appropriated for the purpose of paying the costs of paid employee postpartum recovery  
7853 leave under Section [~~67-19-14.7~~] [63A-17-511](#) to another department, agency, institution, or  
7854 division; and

7855 (c) the Department of [~~Administrative Services~~] Government Operations may transfer  
7856 or divert money to another department, agency, institution, or division only for the purposes of  
7857 coordinating and providing a state response to the coronavirus.

7858 Section 186. Section **63J-1-219** is amended to read:

7859 **63J-1-219. Definitions -- Federal receipts reporting requirements.**

7860 (1) As used in this section:

7861 (a) (i) "Designated state agency" means the Department of [~~Administrative Services~~]  
7862 Government Operations, the Department of Agriculture and Food, the Department of Alcoholic  
7863 Beverage Control, the Department of Commerce, the Department of Heritage and Arts, the  
7864 Department of Corrections, the Department of Environmental Quality, the Department of  
7865 Financial Institutions, the Department of Health, [~~the Department of Human Resource~~  
7866 ~~Management~~], the Department of Human Services, the Department of Insurance, the  
7867 Department of Natural Resources, the Department of Public Safety, [~~the Department of~~  
7868 ~~Technology Services~~], the Department of Transportation, the Department of Veterans and

7869 Military Affairs, the Department of Workforce Services, the Labor Commission, the Office of  
7870 Economic Development, the Public Service Commission, the Utah Board of Higher Education,  
7871 the State Board of Education, the State Tax Commission, or the Utah National Guard.

7872 (ii) "Designated state agency" does not include the judicial branch, the legislative  
7873 branch, or an office or other entity within the judicial branch or the legislative branch.

7874 (b) "Federal receipts" means the federal financial assistance, as defined in 31 U.S.C.  
7875 Sec. 7501, that is reported as part of a single audit.

7876 (c) "Single audit" is as defined in 31 U.S.C. Sec. 7501.

7877 (2) Subject to Subsections (3) and (4), a designated state agency shall each year, on or  
7878 before October 31, prepare a report that:

7879 (a) reports the aggregate value of federal receipts the designated state agency received  
7880 for the preceding fiscal year;

7881 (b) reports the aggregate amount of federal funds appropriated by the Legislature to the  
7882 designated state agency for the preceding fiscal year;

7883 (c) calculates the percentage of the designated state agency's total budget for the  
7884 preceding fiscal year that constitutes federal receipts that the designated state agency received  
7885 for that fiscal year; and

7886 (d) develops plans for operating the designated state agency if there is a reduction of:

7887 (i) 5% or more in the federal receipts that the designated state agency receives; and

7888 (ii) 25% or more in the federal receipts that the designated state agency receives.

7889 (3) (a) The report required by Subsection (2) that the Utah Board of Higher Education  
7890 prepares shall include the information required by Subsections (2)(a) through (c) for each state  
7891 institution of higher education listed in Section [53B-2-101](#).

7892 (b) The report required by Subsection (2) that the State Board of Education prepares  
7893 shall include the information required by Subsections (2)(a) through (c) for each school district  
7894 and each charter school within the public education system.

7895 (4) A designated state agency that prepares a report in accordance with Subsection (2)  
7896 shall submit the report to the Division of Finance on or before November 1 of each year.

7897 (5) (a) The Division of Finance shall, on or before November 30 of each year, prepare a  
7898 report that:

7899 (i) compiles and summarizes the reports the Division of Finance receives in accordance

7900 with Subsection (4); and

7901 (ii) compares the aggregate value of federal receipts each designated state agency  
7902 received for the previous fiscal year to the aggregate amount of federal funds appropriated by  
7903 the Legislature to that designated state agency for that fiscal year.

7904 (b) The Division of Finance shall, as part of the report required by Subsection (5)(a),  
7905 compile a list of designated state agencies that do not submit a report as required by this  
7906 section.

7907 (6) The Division of Finance shall submit the report required by Subsection (5) to the  
7908 Executive Appropriations Committee on or before December 1 of each year.

7909 (7) Upon receipt of the report required by Subsection (5), the chairs of the Executive  
7910 Appropriations Committee shall place the report on the agenda for review and consideration at  
7911 the next Executive Appropriations Committee meeting.

7912 (8) When considering the report required by Subsection (5), the Executive  
7913 Appropriations Committee may elect to:

7914 (a) recommend that the Legislature reduce or eliminate appropriations for a designated  
7915 state agency;

7916 (b) take no action; or

7917 (c) take another action that a majority of the committee approves.

7918 Section 187. Section **63J-1-602.2** is amended to read:

7919 **63J-1-602.2. List of nonlapsing appropriations to programs.**

7920 Appropriations made to the following programs are nonlapsing:

7921 (1) The Legislature and the Legislature's committees.

7922 (2) The State Board of Education, including all appropriations to agencies, line items,  
7923 and programs under the jurisdiction of the State Board of Education, in accordance with  
7924 Section [53F-9-103](#).

7925 (3) The Percent-for-Art Program created in Section [9-6-404](#).

7926 (4) The LeRay McAllister Critical Land Conservation Program created in Section  
7927 [11-38-301](#).

7928 (5) Dedicated credits accrued to the Utah Marriage Commission as provided under  
7929 Subsection [17-16-21\(2\)\(d\)\(ii\)](#).

7930 (6) The Trip Reduction Program created in Section [19-2a-104](#).

- 7931 (7) The Division of Wildlife Resources for the appraisal and purchase of lands under  
7932 the Pelican Management Act, as provided in Section 23-21a-6.
- 7933 (8) The emergency medical services grant program in Section 26-8a-207.
- 7934 (9) The primary care grant program created in Section 26-10b-102.
- 7935 (10) Sanctions collected as dedicated credits from Medicaid provider under Subsection  
7936 26-18-3(7).
- 7937 (11) The Utah Health Care Workforce Financial Assistance Program created in Section  
7938 26-46-102.
- 7939 (12) The Rural Physician Loan Repayment Program created in Section 26-46a-103.
- 7940 (13) The Opiate Overdose Outreach Pilot Program created in Section 26-55-107.
- 7941 (14) Funds that the Department of Alcoholic Beverage Control retains in accordance  
7942 with Subsection 32B-2-301(8)(a) or (b).
- 7943 (15) The General Assistance program administered by the Department of Workforce  
7944 Services, as provided in Section 35A-3-401.
- 7945 (16) A new program or agency that is designated as nonlapsing under Section  
7946 36-24-101.
- 7947 (17) The Utah National Guard, created in Title 39, Militia and Armories.
- 7948 (18) The State Tax Commission under Section 41-1a-1201 for the:
- 7949 (a) purchase and distribution of license plates and decals; and
- 7950 (b) administration and enforcement of motor vehicle registration requirements.
- 7951 (19) The Search and Rescue Financial Assistance Program, as provided in Section  
7952 53-2a-1102.
- 7953 (20) The Motorcycle Rider Education Program, as provided in Section 53-3-905.
- 7954 (21) The Utah Board of Higher Education for teacher preparation programs, as  
7955 provided in Section 53B-6-104.
- 7956 (22) The Medical Education Program administered by the Medical Education Council,  
7957 as provided in Section 53B-24-202.
- 7958 (23) The Division of Services for People with Disabilities, as provided in Section  
7959 62A-5-102.
- 7960 (24) The Division of Fleet Operations for the purpose of upgrading underground  
7961 storage tanks under Section 63A-9-401.

- 7962 (25) The Utah Seismic Safety Commission, as provided in Section [63C-6-104](#).
- 7963 (26) Appropriations to the [~~Department~~] Division of Technology Services for  
7964 technology innovation as provided under Section [~~63F-4-202~~] [63A-16-903](#).
- 7965 (27) The Office of Administrative Rules for publishing, as provided in Section  
7966 [63G-3-402](#).
- 7967 (28) The Governor's Office of Economic Development to fund the Enterprise Zone  
7968 Act, as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.
- 7969 (29) Appropriations to fund the Governor's Office of Economic Development's Rural  
7970 Employment Expansion Program, as described in Title 63N, Chapter 4, Part 4, Rural  
7971 Employment Expansion Program.
- 7972 (30) Appropriations to fund programs for the Jordan River Recreation Area as  
7973 described in Section [65A-2-8](#).
- 7974 (31) The [~~Department~~] Division of Human Resource Management user training  
7975 program, as provided in Section [~~67-19-6~~] [63A-17-106](#).
- 7976 (32) A public safety answering point's emergency telecommunications service fund, as  
7977 provided in Section [69-2-301](#).
- 7978 (33) The Traffic Noise Abatement Program created in Section [72-6-112](#).
- 7979 (34) The Judicial Council for compensation for special prosecutors, as provided in  
7980 Section [77-10a-19](#).
- 7981 (35) A state rehabilitative employment program, as provided in Section [78A-6-210](#).
- 7982 (36) The Utah Geological Survey, as provided in Section [79-3-401](#).
- 7983 (37) The Bonneville Shoreline Trail Program created under Section [79-5-503](#).
- 7984 (38) Adoption document access as provided in Sections [78B-6-141](#), [78B-6-144](#), and  
7985 [78B-6-144.5](#).
- 7986 (39) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent  
7987 Defense Commission.
- 7988 (40) The program established by the Division of Facilities Construction and  
7989 Management under Section [63A-5b-703](#) under which state agencies receive an appropriation  
7990 and pay lease payments for the use and occupancy of buildings owned by the Division of  
7991 Facilities Construction and Management.
- 7992 Section 188. Section **67-1-8.1** is amended to read:

7993           **67-1-8.1. Executive Residence Commission -- Recommendations as to use,**  
7994 **maintenance, and operation of executive residence.**

7995           (1) The Legislature finds and declares that:

7996           (a) the state property known as the Thomas Kearns Mansion is a recognized state  
7997 landmark possessing historical and architectural qualities that should be preserved; and

7998           (b) the Thomas Kearns Mansion was the first building listed on the National Register  
7999 of Historic Places in the state.

8000           (2) As used in this section:

8001           (a) "Executive residence" includes the:

8002           (i) Thomas Kearns Mansion;

8003           (ii) Carriage House building; and

8004           (iii) grounds and landscaping surrounding the Thomas Kearns Mansion and the  
8005 Carriage House building.

8006           (b) "Commission" means the Executive Residence Commission established in this  
8007 section.

8008           (3) (a) An Executive Residence Commission is established to make recommendations  
8009 to the State Building Board for the use, operation, maintenance, repair, rehabilitation,  
8010 alteration, restoration, placement of art and monuments, or adoptive use of the executive  
8011 residence.

8012           (b) The commission shall meet at least once a year and make any recommendations to  
8013 the State Building Board prior to August 1 of each year.

8014           (4) The commission shall consist of nine voting members and one ex officio,  
8015 nonvoting member representing the Governor's Mansion Foundation. The membership shall  
8016 consist of:

8017           (a) three private citizens appointed by the governor, who have demonstrated an interest  
8018 in historical preservation;

8019           (b) three additional private citizens appointed by the governor with the following  
8020 background:

8021           (i) an interior design professional with a background in historic spaces;

8022           (ii) an architect with a background in historic preservation and restoration

8023 recommended by the Utah chapter of the American Institute of Architects; and

8024 (iii) a landscape architect with a background and knowledge of historic properties  
8025 recommended by the Utah chapter of the American Society of Landscape Architects;  
8026 (c) the director, or director's designee, of the Division of Art and Museums;  
8027 (d) the director, or director's designee, of the Division of State History; and  
8028 (e) the executive director, or executive director's designee, of the Department of  
8029 ~~[Administrative Services]~~ Government Operations.

8030 (5) (a) Except as required by Subsection (5)(b), as terms of current commission  
8031 members expire, the governor shall appoint each new member or reappointed member to a  
8032 four-year term ending on March 1.

8033 (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the  
8034 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
8035 commission members are staggered so that approximately half of the commission is appointed  
8036 every two years.

8037 (6) (a) The governor shall appoint a chair from among the membership of the  
8038 commission.

8039 (b) Six members of the commission shall constitute a quorum, and either the chair or  
8040 two other members of the commission may call meetings of the commission.

8041 (7) When a vacancy occurs in the membership for any reason, the replacement shall be  
8042 appointed for the unexpired term.

8043 (8) A member may not receive compensation or benefits for the member's service, but  
8044 may receive per diem and travel expenses in accordance with:

8045 (a) Section [63A-3-106](#);

8046 (b) Section [63A-3-107](#); and

8047 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
8048 [63A-3-107](#).

8049 (9) The Division of Facilities Construction and Management shall provide the  
8050 administrative support to the commission.

8051 Section 189. Section **67-5-7** is amended to read:

8052 **67-5-7. Establishment of career service system.**

8053 (1) The purpose of this chapter is to establish a career service system for employees of  
8054 the Office of the Attorney General that will attract and retain employees of proven ability and

8055 experience who will devote their full time to the service of the state.

8056 (2) The Office of the Attorney General may adopt policies necessary to implement this  
8057 chapter, including personnel and work policies different from those made by the [~~Department~~]  
8058 Division of Human Resource Management.

8059 Section 190. Section **67-5-22** is amended to read:

8060 **67-5-22. Identity theft reporting information system -- Internet website and**  
8061 **database -- Access -- Maintenance and rulemaking -- Criminal provisions.**

8062 (1) There is created within the Office of the Attorney General the Identity Theft  
8063 Reporting Information System (IRIS) Program to establish a database and Internet website to:

8064 (a) allow persons in the state to submit reports of identity theft;

8065 (b) assist the Office of the Attorney General in notifying state and local law  
8066 enforcement agencies of reports of identity theft;

8067 (c) provide assistance and resources to victims of identity theft;

8068 (d) provide a centralized location where information related to incidents of identity  
8069 theft may be securely stored and accessed for the benefit of victims of identity theft; and

8070 (e) provide public education and information relating to identity theft.

8071 (2) (a) The Internet website shall be maintained by the Office of the Attorney General  
8072 and shall be made available to the public and to victims of identity-related crimes.

8073 (b) The Internet website shall:

8074 (i) allow a victim of an identity-related crime to report the crime on the website and  
8075 have the victim's report routed to the appropriate law enforcement agency for the jurisdiction in  
8076 which the crime occurred; and

8077 (ii) provide public education and information relating to identity theft.

8078 (c) The Internet website may be expanded to provide other identity-related services to  
8079 victims according to the procedures of Subsection (4).

8080 (3) (a) The [~~Department~~] Division of Technology Services shall administer and  
8081 maintain the database established under this section in an electronic file or other format as  
8082 established by the department.

8083 (b) (i) The database shall be maintained for the purpose of identifying victims of  
8084 identity theft who have filed a report with the program established under this section, and may  
8085 contain the personally identifiable information for each victim, which may include the

8086 following information related to an incident of identify theft:

8087 (A) the victim's name, address, email addresses, and telephone numbers;

8088 (B) the victim's Social Security number and other identifying information;

8089 (C) the victim's financial institution information, account numbers, and transaction

8090 information;

8091 (D) the victim's benefit information;

8092 (E) the victim's credit account information;

8093 (F) the victim's loan information;

8094 (G) the victim's employment information;

8095 (H) the victim's Internal Revenue Service or tax information;

8096 (I) the victim's utility service information;

8097 (J) information concerning legal matters or collections related to the incident;

8098 (K) information concerning unauthorized or illegal transactions, denied credit, stolen  
8099 identification, and all other unauthorized actions related to the identity theft; and

8100 (L) any other information related to the incident of identity theft that the victim or the  
8101 Office of the Attorney General elects to include in the database.

8102 (ii) The database shall record and maintain:

8103 (A) identification information for each person who requests or receives information  
8104 from the database;

8105 (B) a record of the information that is requested or received by each person who  
8106 requests or receives information from the database; and

8107 (C) a record of the date and time that any information is requested or provided from the  
8108 database.

8109 (c) Information in the database is considered to be the property of the Office of the  
8110 Attorney General, and retains any classification given it under Title 63G, Chapter 2,  
8111 Government Records Access and Management Act.

8112 (4) The [~~Department~~] Division of Technology Services, with the approval of the Office  
8113 of the Attorney General, may make rules to:

8114 (a) permit the following persons to have access to the database:

8115 (i) federal, state, and local law enforcement authorities, provided that the authority is  
8116 acting within a specified duty of the authority's employment in enforcing laws;

8117 (ii) participating merchants and financial institutions, provided that the merchant or  
8118 institution has entered into an access agreement with the Office of the Attorney General; and

8119 (iii) other persons, to be established by rule, provided that the person's access to the  
8120 information is necessary and reasonable to accomplish the purposes of the program as provided  
8121 in Subsection (1);

8122 (b) define and enforce limitations on access to information via the Internet website or  
8123 in the database; and

8124 (c) establish standards and procedures to ensure accurate identification of individuals  
8125 that are requesting or receiving information from the Internet website or the database.

8126 (5) (a) In addition to the penalties provided under Title 63G, Chapter 2, Government  
8127 Records Access and Management Act, a person may not knowingly and intentionally release or  
8128 disclose information from the database in violation of the limitations provided under  
8129 Subsection (4)(a).

8130 (b) A violation of Subsection (5)(a) is a third degree felony.

8131 (6) (a) A person may not obtain or attempt to obtain information from the database by  
8132 misrepresentation or fraud.

8133 (b) A violation of Subsection (6)(a) is a third degree felony.

8134 (7) (a) A person may not knowingly and intentionally use, release, publish, or  
8135 otherwise make available to any other person or entity any information obtained from the  
8136 database for any purpose other than those specified under Subsection (4)(a).

8137 (b) Each separate violation of Subsection (7)(a) is a third degree felony.

8138 Section 191. Section **67-8-3** is amended to read:

8139 **67-8-3. Compensation plan for appointive officers -- Exceptions -- Legislative**  
8140 **approval -- Career status attorneys.**

8141 (1) (a) The [~~executive~~] director of the [~~Department~~] Division of Human Resource  
8142 Management, based upon recommendations of the Executive and Judicial Compensation  
8143 Commission shall, before October 31 of each year, recommend to the governor a compensation  
8144 plan for appointed officers of the state except those officers whose compensation is set under  
8145 Section [49-11-203](#), [53E-3-302](#), [53B-1-408](#), or [53C-1-301](#).

8146 (b) The plan shall include salaries and wages, paid leave, group insurance plans,  
8147 retirement programs, and any other benefits that may be offered to state officers.

8148 (2) The governor shall include in each annual budget proposal to the Legislature  
8149 specific recommendations on compensation for those appointed state officers in Subsection (1).

8150 (3) (a) After consultation with the attorney general, the [executive] director of the  
8151 [Department] Division of Human Resource Management shall place career status attorneys on  
8152 a state salary schedule at a range comparable with salaries paid attorneys in private and other  
8153 public employment.

8154 (b) The attorney general and the executive director shall take into consideration the  
8155 experience of the attorney, length of service with the Office of the Attorney General, quality of  
8156 performance, and responsibility involved in legal assignments.

8157 (c) The attorney general and the executive director shall periodically adjust the salary  
8158 levels for attorneys in a career status to reasonably compensate them for full-time employment  
8159 and the restrictions placed on the private practice of law.

8160 Section 192. Section **67-8-5** is amended to read:

8161 **67-8-5. Duties of commission -- Salary recommendations.**

8162 (1) The commission shall recommend to the Legislature:

8163 (a) salaries for the governor, the lieutenant governor, the attorney general, the state  
8164 auditor, and the state treasurer; and

8165 (b) salaries for justices of the Supreme Court and judges of the constitutional and  
8166 statutory courts of record.

8167 (2) In making the salary recommendations described in Subsection (1), the commission  
8168 shall:

8169 (a) consider:

8170 (i) the education and experience required for the position;

8171 (ii) the responsibility required of the position;

8172 (iii) whether the position requires accountability for funds or staff;

8173 (iv) wages paid for other comparable public and private employment in the state and in  
8174 other similarly situated states;

8175 (v) any increase in the Consumer Price Index since the commission's last  
8176 recommendations; and

8177 (vi) any other factors typically used to make similar recommendations;

8178 (b) consult with the [Department] Division of Human Resource Management; and

8179 (c) for the salary recommendations described in Subsection (1)(b), consult with the  
8180 Judicial Council.

8181 (3) No later than January 2, the commission shall submit an annual electronic report to  
8182 the Executive Appropriations Committee, the president of the Senate, the speaker of the House  
8183 of Representatives, and the governor that:

8184 (a) briefly summarizes the commission's activities during the previous calendar year;  
8185 and

8186 (b) provides any recommendations to modify the salaries of:

8187 (i) the governor, lieutenant governor, attorney general, state auditor, or state treasurer;  
8188 or

8189 (ii) the justices of the Supreme Court or judges of the constitutional and statutory  
8190 courts of record.

8191 (4) The Judicial Council shall cooperate with the commission in providing information  
8192 relevant to the duties of the commission.

8193 Section 193. Section **67-19a-101** is amended to read:

8194 **67-19a-101. Definitions.**

8195 As used in this chapter:

8196 (1) "Abusive conduct" means the same as that term is defined in Section [67-26-102](#).

8197 (2) "Administrator" means the person appointed under Section [67-19a-201](#) to head the  
8198 Career Service Review Office.

8199 (3) "Career service employee" means a person employed in career service as defined in  
8200 Section [67-19-3](#).

8201 (4) [~~"Department"~~] "Division" means the [~~Department~~] Division of Human Resource  
8202 Management.

8203 (5) "Employer" means the state of Utah and all supervisory personnel vested with the  
8204 authority to implement and administer the policies of an agency.

8205 (6) "Excusable neglect" means harmless error, mistake, inadvertence, surprise, a failure  
8206 to discover evidence that, through due diligence, could not have been discovered in time to  
8207 meet the applicable time period, misrepresentation or misconduct by the employer, or any other  
8208 reason justifying equitable relief.

8209 (7) "Grievance" means:

8210 (a) a complaint by a career service employee concerning any matter touching upon the  
8211 relationship between the employee and the employer;

8212 (b) any dispute between a career service employee and the employer;

8213 (c) a complaint by a reporting employee that a public entity has engaged in retaliatory  
8214 action against the reporting employee; and

8215 (d) a complaint that the employer subjected the employee to conditions that a  
8216 reasonable person would consider intolerable, including abusive conduct.

8217 (8) "Office" means the Career Service Review Office created under Section  
8218 67-19a-201.

8219 (9) "Public entity" means the same as that term is defined in Section 67-21-2.

8220 (10) "Reporting employee" means an employee of a public entity who alleges that the  
8221 public entity engaged in retaliatory action against the employee.

8222 (11) "Retaliatory action" means to do any of the following to an employee in violation  
8223 of Section 67-21-3:

8224 (a) dismiss the employee;

8225 (b) reduce the employee's compensation;

8226 (c) fail to increase the employee's compensation by an amount that the employee is  
8227 otherwise entitled to or was promised;

8228 (d) fail to promote the employee if the employee would have otherwise been promoted;  
8229 or

8230 (e) threaten to take an action described in Subsections (11)(a) through (d).

8231 (12) "Supervisor" means the person:

8232 (a) to whom an employee reports; or

8233 (b) who assigns and oversees an employee's work.

8234 Section 194. Section 67-19a-202 is amended to read:

8235 **67-19a-202. Powers -- Scope of authority.**

8236 (1) The office shall serve as the final administrative body to review a grievance from a  
8237 career service employee and an agency of a decision regarding:

8238 (a) a dismissal;

8239 (b) a demotion;

8240 (c) a suspension;

- 8241 (d) a reduction in force;
- 8242 (e) a dispute concerning abandonment of position;
- 8243 (f) a wage grievance if an employee is not placed within the salary range of the
- 8244 employee's current position;
- 8245 (g) a violation of a rule adopted under Chapter ~~[19]~~ 17, Utah State Personnel
- 8246 Management Act; or
- 8247 (h) except as provided by Subsection (4), equitable administration of the following
- 8248 benefits:
- 8249 (i) long-term disability insurance;
- 8250 (ii) medical insurance;
- 8251 (iii) dental insurance;
- 8252 (iv) post-retirement health insurance;
- 8253 (v) post-retirement life insurance;
- 8254 (vi) life insurance;
- 8255 (vii) defined contribution retirement;
- 8256 (viii) defined benefit retirement; and
- 8257 (ix) a leave benefit.
- 8258 (2) The office shall serve as the final administrative body to review a grievance by a
- 8259 reporting employee alleging retaliatory action.
- 8260 (3) The office shall serve as the final administrative body to review, without an
- 8261 evidentiary hearing, the findings of an abusive conduct investigation described in Section
- 8262 [67-26-202](#) of a state executive branch agency employee.
- 8263 (4) The office may not review or take action on:
- 8264 (a) a personnel matter not listed in Subsections (1) through (3);
- 8265 (b) a personnel matter listed in Subsections (1) through (3) that alleges discrimination
- 8266 or retaliation related to a claim of discrimination that is a violation of a state or federal law for
- 8267 which review and action by the office is preempted by state or federal law; or
- 8268 (c) a personnel matter related to a claim for which an administrative review process is
- 8269 provided by statute and administered by:
- 8270 (i) the Utah State Retirement Systems under Title 49, Utah State Retirement and
- 8271 Insurance Benefit Act;

8272 (ii) the Public Employees' Benefit and Insurance Program under Title 49, Chapter 20,  
8273 Public Employees' Benefit and Insurance Program Act; or

8274 (iii) the Public Employees' Long-Term Disability Program under Title 49, Chapter 21,  
8275 Public Employees' Long-Term Disability Act.

8276 (5) The time limits established in this chapter supersede the procedural time limits  
8277 established in Title 63G, Chapter 4, Administrative Procedures Act.

8278 Section 195. Section **67-19a-205** is amended to read:

8279 **67-19a-205. Employment transfer.**

8280 At any point during the grievance process, the employer and the employee may  
8281 mutually agree to a transfer of the employee to another equivalent position, if and to the extent  
8282 that such a position is available, in accordance with [~~department~~] division rules for transfer and  
8283 reassignment.

8284 Section 196. Section **67-19a-303** is amended to read:

8285 **67-19a-303. Employees' rights in grievance procedure.**

8286 (1) For the purpose of submitting and advancing a grievance, a career service  
8287 employee, or a reporting employee alleging retaliatory action, may:

8288 (a) obtain assistance by a representative of the employee's choice to act as an advocate  
8289 at any level of the grievance procedure;

8290 (b) request a reasonable amount of time during work hours to confer with the  
8291 representative and prepare the grievance; and

8292 (c) call other employees as witnesses at a grievance hearing.

8293 (2) The state shall allow employees to attend and testify at the grievance hearing as  
8294 witnesses if the employee has given reasonable advance notice to the employee's immediate  
8295 supervisor.

8296 (3) No person may take any reprisals against a career service employee or a reporting  
8297 employee for:

8298 (a) use of or participation in a grievance procedure described in this chapter; or

8299 (b) representing and providing assistance to a career service employee as an advocate  
8300 in accordance with Subsection (1)(a).

8301 (4) If the individual acting as an advocate for a career service employee under  
8302 Subsection (1)(a) is a state employee, the individual may not receive state compensation for the

8303 time the employee spends in the course of that representation unless the individual uses  
8304 approved leave during that time.

8305 (5) (a) The employing agency of an employee who files a grievance may not place  
8306 grievance forms, grievance materials, correspondence about the grievance, agency and  
8307 [~~department~~] division replies to the grievance, or other documents relating to the grievance in  
8308 the employee's personnel file.

8309 (b) The employing agency of an employee who files a grievance may place records of  
8310 disciplinary action in the employee's personnel file.

8311 (c) If any disciplinary action against an employee is rescinded through the grievance  
8312 procedures described in this chapter, the agency and the [~~Department~~] Division of Human  
8313 Resource Management shall remove the record of the disciplinary action from the employee's  
8314 agency personnel file and central personnel file.

8315 (d) An agency may maintain a separate grievance file relating to an employee's  
8316 grievance, but shall discard the file after three years.

8317 Section 197. Section **67-19a-501** is amended to read:

8318 **67-19a-501. Procedural steps to be followed in an administrative review of an**  
8319 **abusive conduct investigation.**

8320 (1) An employee of a state executive branch agency, as defined in Section [67-26-102](#),  
8321 may, under Subsection [67-19a-202\(3\)](#), initiate an administrative review of the findings of an  
8322 abusive conduct investigation within 10 days after the day on which the employee receives  
8323 notification of the investigative findings.

8324 (2) (a) An employee bringing an administrative review of the findings described in  
8325 Subsection (1) may file the request for the administrative review directly with the office.

8326 (b) The request for administrative review may describe the reasons for the  
8327 administrative review and include any submissions the employee desires to submit.

8328 (3) (a) When an employee initiates the review described in Subsection (2) with the  
8329 office:

8330 (i) the role of the administrative review is to review and rule upon the findings of the  
8331 abusive conduct investigation; and

8332 (ii) an evidentiary hearing is not required.

8333 (b) The [~~department~~] division shall make the abusive conduct investigative file

8334 available for the office's in camera review.

8335 (c) The office may:

8336 (i) request additional relevant documents from the [~~department~~] division or the affected  
8337 employee; and

8338 (ii) interview the employee who initiated the administrative review and the  
8339 investigators who conducted the investigation.

8340 (4) (a) The office may overturn the findings of the abusive conduct investigation if the  
8341 office determines that:

8342 (i) the findings are not reasonable, rational, or sufficiently supported by the evidence;  
8343 or

8344 (ii) the facts on which the findings are based are inaccurate.

8345 (b) The office may uphold the findings of the abusive conduct investigation if the  
8346 office determines that:

8347 (i) the findings are reasonable, rational, and sufficiently supported by the evidence; and

8348 (ii) the facts on which the findings are based are accurate.

8349 (5) (a) Within 30 days after the day on which an employee initiates an administrative  
8350 review under this section, the office shall issue a notice stating whether the office upheld or  
8351 overturned the investigative findings.

8352 (b) The office's determination upon administrative review of the findings resulting  
8353 from an abusive conduct investigation is final and not subject to appeal.

8354 (c) The following are classified as protected under Title 63G, Chapter 2, Government  
8355 Records Access and Management Act, and any other applicable confidentiality provisions:

8356 (i) the request for administrative review and any accompanying documents;

8357 (ii) documents that any party provides;

8358 (iii) the contents of the administrative review file; and

8359 (iv) the office's determination.

8360 Section 198. Section **67-19d-201** is amended to read:

8361 **67-19d-201. Trust fund -- Creation -- Oversight -- Dissolution.**

8362 (1) There is created a post-retirement benefits trust fund entitled the "State  
8363 Post-Retirement Benefits Trust Fund."

8364 (2) The trust fund consists of:

- 8365 (a) revenue provided from an ongoing labor additive as defined in Subsection  
8366 [67-19d-202\(2\)\(g\)](#);
- 8367 (b) appropriations made to the fund by the Legislature, if any;
- 8368 (c) income as defined in Section [67-19d-102](#); and
- 8369 (d) other revenues received from other sources.
- 8370 (3) The Division of Finance shall account for the receipt and expenditures of trust fund  
8371 money.
- 8372 (4) (a) The state treasurer shall invest trust fund money by following the procedures  
8373 and requirements of Part 3, Trust Fund Investments.
- 8374 (b) (i) The trust fund shall earn interest.
- 8375 (ii) The state treasurer shall deposit all interest or other income earned from investment  
8376 of the trust fund back into the trust fund.
- 8377 (5) The board of trustees created in Section [67-19d-202](#) may expend money from the  
8378 trust fund for:
- 8379 (a) the employer portion of the costs of the programs established in Sections ~~[\[67-19-14](#)~~  
8380 ~~[through 67-19-14.4\]](#)~~ [63A-17-505](#) through [63A-17-508](#); and
- 8381 (b) reasonable administrative costs that the board of trustees incurs in performing their  
8382 duties as trustees of the trust fund.
- 8383 (6) The board of trustees shall ensure that:
- 8384 (a) money deposited into the trust fund is irrevocable and is expended only for the  
8385 employer portion of the costs of post-retirement benefits;
- 8386 (b) assets of the trust fund are dedicated to providing benefits to retirees and their  
8387 beneficiaries according to the terms of the post-retirement benefit plans established by statute  
8388 and rule; and
- 8389 (c) creditors of the board of trustees and of employers liable for the post-retirement  
8390 benefits may not seize, attach, or otherwise obtain assets of the trust fund.
- 8391 (7) When all of the liabilities for which the trust fund was created are paid, the  
8392 Division of Finance shall transfer any assets remaining in the state trust fund into the  
8393 appropriate fund.
- 8394 Section 199. Section **67-19f-102** is amended to read:
- 8395 **67-19f-102. Definitions.**

8396 As used in this chapter:

8397 (1) "Annual leave II" [~~is as~~] means the same as that term is defined in Section  
8398 [~~67-19-14.6~~] 63A-17-510.

8399 (2) "Board of trustees" or "board" means the board of trustees created in Section  
8400 67-19f-202.

8401 (3) "Income" means the revenues received by the state treasurer from investments of  
8402 the trust fund principal.

8403 (4) "Trust fund" means the State Employees' Annual Leave Trust Fund created in  
8404 Section 67-19f-201.

8405 Section 200. Section **67-19f-201** is amended to read:

8406 **67-19f-201. Trust fund -- Creation -- Oversight -- Dissolution.**

8407 (1) There is created a trust fund entitled the "State Employees' Annual Leave Trust  
8408 Fund."

8409 (2) The trust fund consists of:

8410 (a) ongoing revenue provided from a state agency set aside for accrued annual leave II  
8411 required under Section [~~67-19-14.6~~] 63A-17-510;

8412 (b) appropriations made to the trust fund by the Legislature, if any;

8413 (c) transfers from the termination pool described in Subsection [~~67-19-14.6~~]  
8414 63A-17-510(6) made by the Division of Finance to the trust fund for annual leave liabilities  
8415 accrued before the change date established under Section [~~67-19-14.6~~] 63A-17-510;

8416 (d) income; and

8417 (e) revenue received from other sources.

8418 (3) (a) The Division of Finance shall account for the receipt and expenditures of trust  
8419 fund money.

8420 (b) The Division of Finance shall make the necessary adjustments to the amount of set  
8421 aside costs required under Subsection [~~67-19-14.6~~] 63A-17-510(4)(a) to provide that upon the  
8422 trust fund's accrual of funding equal to 10% of the annual leave liability, year-end trust fund  
8423 balances remain equal to at least 10% of the total state employee annual leave liability.

8424 (4) (a) The state treasurer shall invest trust fund money by following the procedures  
8425 and requirements of Part 3, Investment of Trust Funds.

8426 (b) (i) The trust fund shall earn interest.

8427 (ii) The state treasurer shall deposit all interest or other income earned from investment  
8428 of the trust fund back into the trust fund.

8429 (5) The board of trustees created in Section ~~67-19f-202~~ may expend money from the  
8430 trust fund for:

8431 (a) reimbursement to the employer of the costs paid to the trust fund in accordance  
8432 with Section [~~67-19-14.6~~] 63A-17-510 as annual leave II is used by an employee;

8433 (b) payments based on accrued annual leave and on accrued annual leave II that are  
8434 made upon termination of an employee; and

8435 (c) reasonable administrative costs that the board of trustees incurs in performing its  
8436 duties as trustee of the trust fund.

8437 (6) The board of trustees shall ensure that:

8438 (a) money deposited into the trust fund is irrevocable and is expended only for the  
8439 costs described in Subsection (5); and

8440 (b) assets of the trust fund are dedicated to providing annual leave and annual leave II  
8441 established by statute and rule.

8442 (7) A creditor of the board of trustees or a state agency liable for annual leave benefits  
8443 may not seize, attach, or otherwise obtain assets of the trust fund.

8444 Section 201. Section ~~67-20-8~~ is amended to read:

8445 **67-20-8. Volunteer experience credit.**

8446 (1) State agencies shall designate positions for which approved volunteer experience  
8447 satisfies the job requirements for purposes of employment.

8448 (2) When evaluating applicants for those designated positions, state agencies shall  
8449 consider documented approved volunteer experience in the same manner as similar paid  
8450 employment.

8451 (3) The [~~Department~~] Division of Human Resource Management shall make statewide  
8452 rules governing the:

8453 (a) designation of volunteer positions; and

8454 (b) a uniform process to document the approval, use, and hours worked by volunteers.

8455 Section 202. Section ~~67-22-2~~ is amended to read:

8456 **67-22-2. Compensation -- Other state officers.**

8457 (1) As used in this section:

- 8458 (a) "Appointed executive" means the:
- 8459 (i) commissioner of the Department of Agriculture and Food;
- 8460 (ii) commissioner of the Insurance Department;
- 8461 (iii) commissioner of the Labor Commission;
- 8462 (iv) director, Department of Alcoholic Beverage Control;
- 8463 (v) commissioner of the Department of Financial Institutions;
- 8464 (vi) executive director, Department of Commerce;
- 8465 (vii) executive director, Commission on Criminal and Juvenile Justice;
- 8466 (viii) adjutant general;
- 8467 (ix) executive director, Department of Heritage and Arts;
- 8468 (x) executive director, Department of Corrections;
- 8469 (xi) commissioner, Department of Public Safety;
- 8470 (xii) executive director, Department of Natural Resources;
- 8471 (xiii) executive director, Governor's Office of Management and Budget;
- 8472 (xiv) executive director, Department of [~~Administrative Services~~] Government
- 8473 Operations;
- 8474 [~~(xv) executive director, Department of Human Resource Management;~~]
- 8475 [~~(xvi)~~] (xv) executive director, Department of Environmental Quality;
- 8476 [~~(xvii)~~] (xvi) executive director, Governor's Office of Economic Development;
- 8477 [~~(xviii)~~] (xvii) executive director, Utah Science Technology and Research Governing
- 8478 Authority;
- 8479 [~~(xix)~~] (xviii) executive director, Department of Workforce Services;
- 8480 [~~(xx)~~] (xix) executive director, Department of Health, Nonphysician;
- 8481 [~~(xxi)~~] (xx) executive director, Department of Human Services;
- 8482 [~~(xxii)~~] (xxi) executive director, Department of Transportation; and
- 8483 [~~(xxiii)~~] executive director, Department of Technology Services; and]
- 8484 [~~(xxiv)~~] (xxii) executive director, Department of Veterans and Military Affairs.
- 8485 (b) "Board or commission executive" means:
- 8486 (i) members, Board of Pardons and Parole;
- 8487 (ii) chair, State Tax Commission;
- 8488 (iii) commissioners, State Tax Commission;

8489 (iv) executive director, State Tax Commission;

8490 (v) chair, Public Service Commission; and

8491 (vi) commissioners, Public Service Commission.

8492 (c) "Deputy" means the person who acts as the appointed executive's second in  
8493 command as determined by the [~~Department~~] Division of Human Resource Management.

8494 (2) (a) The [~~executive~~] director of the [~~Department~~] Division of Human Resource  
8495 Management shall:

8496 (i) before October 31 of each year, recommend to the governor a compensation plan for  
8497 the appointed executives and the board or commission executives; and

8498 (ii) base those recommendations on market salary studies conducted by the  
8499 [~~Department~~] Division of Human Resource Management.

8500 (b) (i) The [~~Department~~] Division of Human Resource Management shall determine  
8501 the salary range for the appointed executives by:

8502 (A) identifying the salary range assigned to the appointed executive's deputy;

8503 (B) designating the lowest minimum salary from those deputies' salary ranges as the  
8504 minimum salary for the appointed executives' salary range; and

8505 (C) designating 105% of the highest maximum salary range from those deputies' salary  
8506 ranges as the maximum salary for the appointed executives' salary range.

8507 (ii) If the deputy is a medical doctor, the [~~Department~~] Division of Human Resource  
8508 Management may not consider that deputy's salary range in designating the salary range for  
8509 appointed executives.

8510 (c) (i) Except as provided in Subsection (2)(c)(ii), in establishing the salary ranges for  
8511 board or commission executives, the [~~Department~~] Division of Human Resource Management  
8512 shall set the maximum salary in the salary range for each of those positions at 90% of the salary  
8513 for district judges as established in the annual appropriation act under Section 67-8-2.

8514 (ii) In establishing the salary ranges for an individual described in Subsection (1)(b)(ii)  
8515 or (iii), the [~~Department~~] Division of Human Resource Management shall set the maximum  
8516 salary in the salary range for each of those positions at 100% of the salary for district judges as  
8517 established in the annual appropriation act under Section 67-8-2.

8518 (3) (a) (i) Except as provided in Subsection (3)(a)(ii), the governor shall establish a  
8519 specific salary for each appointed executive within the range established under Subsection

8520 (2)(b).

8521 (ii) If the executive director of the Department of Health is a physician, the governor  
8522 shall establish a salary within the highest physician salary range established by the  
8523 [~~Department~~] Division of Human Resource Management.

8524 (iii) The governor may provide salary increases for appointed executives within the  
8525 range established by Subsection (2)(b) and identified in Subsection (3)(a)(ii).

8526 (b) The governor shall apply the same overtime regulations applicable to other FLSA  
8527 exempt positions.

8528 (c) The governor may develop standards and criteria for reviewing the appointed  
8529 executives.

8530 (4) Salaries for other Schedule A employees, as defined in Section [~~67-19-15~~]  
8531 63A-17-301, that are not provided for in this chapter, or in Title 67, Chapter 8, Utah Elected  
8532 Official and Judicial Salary Act, shall be established as provided in Section [~~67-19-15~~]  
8533 63A-17-301.

8534 (5) (a) The Legislature fixes benefits for the appointed executives and the board or  
8535 commission executives as follows:

8536 (i) the option of participating in a state retirement system established by Title 49, Utah  
8537 State Retirement and Insurance Benefit Act, or in a deferred compensation plan administered  
8538 by the State Retirement Office in accordance with the Internal Revenue Code and its  
8539 accompanying rules and regulations;

8540 (ii) health insurance;

8541 (iii) dental insurance;

8542 (iv) basic life insurance;

8543 (v) unemployment compensation;

8544 (vi) workers' compensation;

8545 (vii) required employer contribution to Social Security;

8546 (viii) long-term disability income insurance;

8547 (ix) the same additional state-paid life insurance available to other noncareer service  
8548 employees;

8549 (x) the same severance pay available to other noncareer service employees;

8550 (xi) the same leave, holidays, and allowances granted to Schedule B state employees as

8551 follows:

8552 (A) sick leave;

8553 (B) converted sick leave if accrued prior to January 1, 2014;

8554 (C) educational allowances;

8555 (D) holidays; and

8556 (E) annual leave except that annual leave shall be accrued at the maximum rate

8557 provided to Schedule B state employees;

8558 (xii) the option to convert accumulated sick leave to cash or insurance benefits as

8559 provided by law or rule upon resignation or retirement according to the same criteria and

8560 procedures applied to Schedule B state employees;

8561 (xiii) the option to purchase additional life insurance at group insurance rates according

8562 to the same criteria and procedures applied to Schedule B state employees; and

8563 (xiv) professional memberships if being a member of the professional organization is a

8564 requirement of the position.

8565 (b) Each department shall pay the cost of additional state-paid life insurance for its

8566 executive director from its existing budget.

8567 (6) The Legislature fixes the following additional benefits:

8568 (a) for the executive director of the State Tax Commission a vehicle for official and

8569 personal use;

8570 (b) for the executive director of the Department of Transportation a vehicle for official

8571 and personal use;

8572 (c) for the executive director of the Department of Natural Resources a vehicle for

8573 commute and official use;

8574 (d) for the commissioner of Public Safety:

8575 (i) an accidental death insurance policy if POST certified; and

8576 (ii) a public safety vehicle for official and personal use;

8577 (e) for the executive director of the Department of Corrections:

8578 (i) an accidental death insurance policy if POST certified; and

8579 (ii) a public safety vehicle for official and personal use;

8580 (f) for the adjutant general a vehicle for official and personal use; and

8581 (g) for each member of the Board of Pardons and Parole a vehicle for commute and

8582 official use.

8583 Section 203. Section **67-26-102** is amended to read:

8584 **67-26-102. Definitions.**

8585 As used in this chapter:

8586 (1) (a) "Abusive conduct" means verbal, nonverbal, or physical conduct of an  
8587 employee to another employee of the same employer that, based on the severity, nature, or  
8588 frequency of the conduct, a reasonable person would determine:

8589 (i) is intended to cause intimidation, humiliation, or unwarranted distress;

8590 (ii) results in substantial physical harm or substantial psychological harm as a result of  
8591 intimidation, humiliation, or unwarranted distress; or

8592 (iii) exploits an employee's known physical or psychological disability.

8593 (b) "Abusive conduct" does not mean a single act unless the act is an especially severe  
8594 and egregious act that meets the standard described in Subsection (1)(a)(i), (ii), or (iii).

8595 (2) "Abusive conduct complaint process" means the process described in Section  
8596 [67-26-202](#).

8597 (3) "Administrative review process" means a process that allows an employee, in  
8598 relation to the findings of an abusive conduct investigation, to seek an administrative review  
8599 that:

8600 (a) an employer conducts in accordance with Section [67-26-202](#); or

8601 (b) in relation to a state executive branch agency, the [~~office~~] Career Service Review  
8602 Office conducts in accordance with Section [67-19a-501](#).

8603 (4) [~~"Department"~~] "Division" means the [~~Department~~] Division of Human Resource  
8604 Management.

8605 (5) (a) "Employee" means an employee of an employer.

8606 (b) "Employee" includes an elected or appointed official of an employer.

8607 (6) "Employer" means:

8608 (a) a state executive branch agency; or

8609 (b) an independent entity, as defined in Section [63E-1-102](#).

8610 (7) "Office" means the Career Service Review Office created under Section  
8611 [67-19a-201](#).

8612 (8) "Physical harm" means the impairment of an individual's physical health or bodily

8613 integrity, as established by competent evidence.

8614 (9) "Psychological harm" means the impairment of an individual's mental health, as  
8615 established by competent evidence.

8616 (10) (a) "State executive branch agency" means a department, division, office, bureau,  
8617 or other organization within the state executive branch.

8618 (b) "State executive branch agency" includes an agency under the authority of the  
8619 governor, lieutenant governor, state treasurer, state auditor, or attorney general.

8620 (c) "State executive branch agency" does not include the Utah System of Higher  
8621 Education or an independent entity, as defined in Section [63E-1-102](#).

8622 Section 204. Section **67-26-202** is amended to read:

8623 **67-26-202. Abusive conduct complaint, investigation, administrative review**  
8624 **process.**

8625 (1) An employee may file a written complaint of abusive conduct with the human  
8626 resources department of the employee's employer if the complaint is against an employee of the  
8627 same employer as the employee filing the complaint.

8628 (2) If an employee files a written complaint of abusive conduct under Subsection (1),  
8629 the human resources department of the employee's employer shall conduct an abusive conduct  
8630 investigation.

8631 (3) (a) Each employer that is not a state executive branch agency:

8632 (i) shall provide the employer's employees a process for:

8633 (A) filing an abusive conduct complaint, including an alternative process if the  
8634 complaint involves an individual who would otherwise receive or review an abusive conduct  
8635 complaint; and

8636 (B) an administrative review of the findings of an abusive conduct investigation  
8637 described in Subsection (2) that is substantially similar to the administrative review process  
8638 described in Section [67-19a-501](#); and

8639 (ii) may request assistance from the [department] division, at the [department's]  
8640 division's current consultant rate, or the office, at a reasonable rate established by the office, in  
8641 developing a process described in this Subsection (3)(a).

8642 (b) The [department] division shall provide a process for an employee of a state  
8643 executive branch agency to file an abusive conduct complaint, including an alternative process

8644 if the complaint involves an individual who would otherwise receive or review an abusive  
8645 conduct complaint.

8646 (4) The complaint described in Subsection (1) and a subsequent abusive conduct  
8647 investigation are subject to:

8648 (a) in relation to an employer other than a state executive branch agency, the  
8649 administrative review process described in Subsection (3)(a); and

8650 (b) in relation to a state executive branch agency, the office's administrative review  
8651 process described in Section 67-19a-501.

8652 Section 205. Section 67-26-301 is amended to read:

8653 **67-26-301. Abusive conduct training.**

8654 (1) (a) The [department] division shall provide biennial training to educate all state  
8655 executive branch agency employees and supervisors about how to prevent abusive workplace  
8656 conduct.

8657 (b) The training described in Subsection (1)(a) shall include information on:

8658 (i) what constitutes abusive conduct and the ramifications of abusive conduct;

8659 (ii) resources available to employees who are subject to abusive conduct; and

8660 (iii) the abusive conduct complaint process described in Section 67-26-202.

8661 (2) (a) The [department] division shall create a baseline training module for employers  
8662 that are not state executive branch agencies to educate the employers' respective employees and  
8663 supervisors about how to prevent abusive workplace conduct.

8664 (b) The baseline training module described in Subsection (2)(a) shall include  
8665 information on what constitutes abusive conduct and the ramifications of abusive conduct.

8666 (c) Each employer that is not a state executive branch agency shall create and provide  
8667 supplemental training to educate the employer's employees and supervisors that supplements  
8668 the [department's] division's baseline training module with information regarding:

8669 (i) resources available to employees who are subject to abusive conduct; and

8670 (ii) the employer's abusive conduct complaint process described in Section 67-26-202.

8671 (d) An employer may request assistance from the [department] division, at the  
8672 [department's] division's current consultant rate, in developing the training described in  
8673 Subsection (2)(c).

8674 (3) (a) Each employer shall provide professional development training to promote:

- 8675 (i) ethical conduct;
- 8676 (ii) organizational leadership practices based in principles of integrity; and
- 8677 (iii) the state policy described in Section 67-26-201.
- 8678 (b) An employer may request assistance from the [department] division, at the
- 8679 [department's] division's current consultation rate, in developing training described in this
- 8680 Subsection (3).
- 8681 (4) (a) Employers shall provide and employees shall participate in the training
- 8682 described in this section:
- 8683 (i) at the time the employee is hired or within a reasonable time after the employee
- 8684 begins employment; and
- 8685 (ii) at least every other year after the employee begins employment.
- 8686 (b) An employer shall, at the times described in Subsection (4)(a), provide notification
- 8687 to the employee of the abusive conduct complaint process.
- 8688 (5) The [department] division may use money appropriated to the [department]
- 8689 division or access support from outside resources to:
- 8690 (a) develop policies against workplace abusive conduct; and
- 8691 (b) enhance professional development training on topics such as:
- 8692 (i) building trust;
- 8693 (ii) effective motivation;
- 8694 (iii) communication;
- 8695 (iv) conflict resolution;
- 8696 (v) accountability;
- 8697 (vi) coaching;
- 8698 (vii) leadership; or
- 8699 (viii) ethics.
- 8700 (6) (a) Beginning in 2021, and each year after 2021, an employer that is not a state
- 8701 executive branch agency shall, on or before July 31, report to the [department] division
- 8702 regarding:
- 8703 (i) the employer's implementation of this chapter, including the requirement to provide
- 8704 a process under Section 67-26-202; and
- 8705 (ii) the total number and outcomes of abusive conduct complaints that the employer's

8706 employees filed and that the employer investigated or reviewed.

8707 (b) The [~~department~~] division shall annually report to the Economic Development and  
8708 Workforce Services Interim Committee, no later than the November interim meeting, the  
8709 following:

8710 (i) a description the [~~department's~~] division's implementation of this chapter;

8711 (ii) the [~~department's~~] division's recommendations, if any, to:

8712 (A) appropriately address and reduce workplace abusive conduct; or

8713 (B) change definitions or training required by this section;

8714 (iii) an annual report of the total number and outcomes of abusive conduct complaints  
8715 that employees filed and the department investigated; and

8716 (iv) a summary of the reports the department receives under Subsection (6)(a).

8717 Section 206. Section **72-1-202** is amended to read:

8718 **72-1-202. Executive director of department -- Appointment -- Qualifications --**  
8719 **Term -- Responsibility -- Power to bring suits -- Salary.**

8720 (1) (a) The governor, with the advice and consent of the Senate, shall appoint an  
8721 executive director to be the chief executive officer of the department.

8722 (b) The executive director shall be a registered professional engineer and qualified  
8723 executive with technical and administrative experience and training appropriate for the  
8724 position.

8725 (c) The executive director shall remain in office until a successor is appointed.

8726 (d) The executive director may be removed by the governor.

8727 (2) In addition to the other functions, powers, duties, rights, and responsibilities  
8728 prescribed in this chapter, the executive director shall:

8729 (a) have responsibility for the administrative supervision of the state transportation  
8730 systems and the various operations of the department;

8731 (b) have the responsibility for the implementation of rules, priorities, and policies  
8732 established by the department and the commission;

8733 (c) have the responsibility for the oversight and supervision of any transportation  
8734 project for which state funds are expended;

8735 (d) have full power to bring suit in courts of competent jurisdiction in the name of the  
8736 department as the executive director considers reasonable and necessary for the proper

8737 attainment of the goals of this chapter;

8738 (e) receive a salary, to be established by the governor within the salary range fixed by  
8739 the Legislature in Title 67, Chapter 22, State Officer Compensation, together with actual  
8740 traveling expenses while away from the executive director's office on official business;

8741 (f) purchase all equipment, services, and supplies necessary to achieve the department's  
8742 functions, powers, duties, rights, and responsibilities delegated under Section 72-1-201;

8743 (g) have the responsibility to determine whether a purchase from, contribution to, or  
8744 other participation with a public entity or association of public entities in a pooled fund  
8745 program to acquire, develop, or share information, data, reports, or other services related to the  
8746 department's mission are procurement items under Title 63G, Chapter 6a, Utah Procurement  
8747 Code;

8748 (h) have responsibility for administrative supervision of the Comptroller Division, the  
8749 Internal Audit Division, and the Communications Division; and

8750 (i) appoint assistants, to serve at the discretion of the executive director, to administer  
8751 the divisions of the department.

8752 (3) The executive director may employ other assistants and advisers as the executive  
8753 director finds necessary and fix salaries in accordance with the salary standards adopted by the  
8754 [~~Department~~] Division of Human Resource Management.

8755 Section 207. Section 79-2-401 is amended to read:

8756 **79-2-401. Volunteer workers authorized.**

8757 (1) The department and its divisions may use volunteer workers to supplement the  
8758 salaried work force.

8759 (2) A volunteer may be reimbursed for expenses actually and necessarily incurred,  
8760 including transportation, meals, lodging, uniforms, and other items as approved by the Division  
8761 of Finance, in the amounts and in accordance with the rules of the Division of Finance.

8762 (3) A volunteer is considered an employee of the state for the purposes stated in  
8763 Section 67-20-3.

8764 (4) A volunteer may not donate a service to the department or a division unless the  
8765 work program in which the volunteer would serve has first been approved, in writing, by the  
8766 executive director and the [~~executive~~] director of the [~~Department~~] Division of Human  
8767 Resource Management.

8768 (5) Volunteer services shall comply with the rules adopted by the [Department]  
8769 Division of Human Resource Management relating to the services that are not inconsistent with  
8770 this section.

8771 Section 208. **Repealer.**

8772 This bill repeals:

8773 Section **63F-1-105, Appointment of executive director -- Compensation --**

8774 **Authority.**

8775 Section **63F-1-302, Information Technology Rate Committee -- Membership --**

8776 **Duties.**

8777 Section **63F-1-401, Title.**

8778 Section **63F-1-501, Title.**

8779 Section **63F-1-601, Title.**

8780 Section **63F-2-101, Title.**

8781 Section **63F-3-101, Title.**

8782 Section **63F-4-101, Title.**

8783 Section **67-19-29, Violation a misdemeanor.**

8784 Section **67-19d-101, Title.**

8785 Section **67-19e-101, Title.**

8786 Section **67-19f-101, Title.**

8787 Section **67-25-101, Title.**

8788 Section **67-25-301, Title.**

8789 Section **67-26-101, Title.**

8790 Section 209. **Appropriation.**

8791 The following sums of money are appropriated for the fiscal year beginning July 1,  
8792 2021 and ending June 30, 2022. These are additions to amounts otherwise appropriated for  
8793 fiscal year 2022.

8794 Subsection 209(a). **Operating and Capital Budgets.**

8795 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the  
8796 Legislature appropriates the following sums of money from the funds or accounts indicated for  
8797 the use and support of the government of the state of Utah.

8798 ITEM 1

8799	<u>To Department of Human Resource Management - Human Resource Management</u>	
8800	<u>From General Fund</u>	(42,400)
8801	<u>From Beginning Nonlapsing Balances</u>	(82,600)
8802	<u>From Closing Nonlapsing Balances</u>	<u>105,900</u>
8803	<u>Schedule of Programs:</u>	
8804	<u>Statewide Management Liability Training</u>	<u>(19,100)</u>
8805	<u>The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of</u>	
8806	<u>Finance reflect all closing nonlapsing appropriation balances from Department of Human</u>	
8807	<u>Resource Management - Human Resource Management as fiscal year 2022 beginning</u>	
8808	<u>nonlapsing appropriation balances in Department of Government Operations - Human</u>	
8809	<u>Resource Management.</u>	
8810	<u>ITEM 2</u>	
8811	<u>To Department of Government Operations - Human Resource Management</u>	
8812	<u>From General Fund</u>	<u>42,400</u>
8813	<u>From Beginning Nonlapsing Balances</u>	<u>82,600</u>
8814	<u>From Closing Nonlapsing Balances</u>	<u>(105,900)</u>
8815	<u>Schedule of Programs:</u>	
8816	<u>Statewide Management Liability Training</u>	<u>19,100</u>
8817	<u>The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of</u>	
8818	<u>Finance reflect all closing nonlapsing appropriation balances from Department of Human</u>	
8819	<u>Resource Management - Human Resource Management as fiscal year 2022 beginning</u>	
8820	<u>nonlapsing appropriation balances in Department of Government Operations - Human</u>	
8821	<u>Resource Management.</u>	
8822	<u>ITEM 3</u>	
8823	<u>To Department of Administrative Services - Administrative Rules</u>	
8824	<u>From General Fund</u>	<u>(705,500)</u>
8825	<u>From General Fund, One-time</u>	<u>(1,900)</u>
8826	<u>From Beginning Nonlapsing Balances</u>	<u>(261,600)</u>
8827	<u>From Closing Nonlapsing Balances</u>	<u>324,300</u>
8828	<u>Schedule of Programs:</u>	
8829	<u>DAR Administration</u>	<u>(644,700)</u>

8830	<u>The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of</u>	
8831	<u>Finance reflect all closing nonlapsing appropriation balances from Department of</u>	
8832	<u>Administrative Services - Administrative Rules as fiscal year 2022 beginning nonlapsing</u>	
8833	<u>appropriation balances in Department of Government Operations - Administrative Rules.</u>	
8834	<u>ITEM 4</u>	
8835	<u>To Department of Government Operations - Administrative Rules</u>	
8836	<u>From General Fund</u>	<u>705,500</u>
8837	<u>From General Fund, One-time</u>	<u>1,900</u>
8838	<u>From Beginning Nonlapsing Balances</u>	<u>261,600</u>
8839	<u>From Closing Nonlapsing Balances</u>	<u>(324,300)</u>
8840	<u>Schedule of Programs:</u>	
8841	<u>DAR Administration</u>	<u>644,700</u>
8842	<u>The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of</u>	
8843	<u>Finance reflect all closing nonlapsing appropriation balances from Department of</u>	
8844	<u>Administrative Services - Administrative Rules as fiscal year 2022 beginning nonlapsing</u>	
8845	<u>appropriation balances in Department of Government Operations - Administrative Rules.</u>	
8846	<u>In accordance with UCA <a href="#">63J-1-201</a>, the Legislature intends that the Department of</u>	
8847	<u>Government Operations report performance measures for the Office of Administrative Rules</u>	
8848	<u>line item, whose mission is "to enable citizen participation in their own government by</u>	
8849	<u>supporting agency rulemaking and ensuring agency compliance with the Utah Administrative</u>	
8850	<u>Rulemaking Act." The department shall report to the Office of the Legislative Fiscal Analyst</u>	
8851	<u>and to the Governor's Office of Management and Budget before October 1, 2021 the final</u>	
8852	<u>status of performance measures for FY 2021 and the current status of the following</u>	
8853	<u>performance measures for FY 2022: 1) average number of business days to review rule filings</u>	
8854	<u>(target: 4 days or less); and 2) average number of days from the effective date to publish the</u>	
8855	<u>final version of an administrative rule after the rule becomes effective (target: 14 days or less).</u>	
8856	<u>ITEM 5</u>	
8857	<u>To Department of Administrative Services - DFCM Administration</u>	
8858	<u>From General Fund</u>	<u>(3,659,300)</u>
8859	<u>From General Fund, One-time</u>	<u>(11,500)</u>
8860	<u>From Education Fund</u>	<u>(734,600)</u>

8861	<u>From Education Fund, One-time</u>	(2,600)
8862	<u>From Dedicated Credits Revenue</u>	(1,003,900)
8863	<u>From Dedicated Credits Revenue, One-time</u>	(3,400)
8864	<u>From Capital Projects Fund</u>	(3,858,100)
8865	<u>From Capital Projects Fund, One-time</u>	(13,400)
8866	<u>From Beginning Nonlapsing Balances</u>	(577,100)
8867	<u>From Closing Nonlapsing Balances</u>	189,300
8868	<u>Schedule of Programs:</u>	
8869	<u>DFCM Administration</u>	(8,959,300)
8870	<u>Energy Program</u>	(538,200)
8871	<u>Governor's Residence</u>	(177,100)
8872	<u>The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of</u>	
8873	<u>Finance reflect all closing nonlapsing appropriation balances from Department of</u>	
8874	<u>Administrative Services - DFCM Administration as fiscal year 2022 beginning nonlapsing</u>	
8875	<u>appropriation balances in Department of Government Operations - DFCM Administration.</u>	
8876	<u>ITEM 6</u>	
8877	<u>To Department of Government Operations - DFCM Administration</u>	
8878	<u>From General Fund</u>	3,659,300
8879	<u>From General Fund, One-time</u>	11,500
8880	<u>From Education Fund</u>	734,600
8881	<u>From Education Fund, One-time</u>	2,600
8882	<u>From Dedicated Credits Revenue</u>	1,003,900
8883	<u>From Dedicated Credits Revenue, One-time</u>	3,400
8884	<u>From Capital Projects Fund</u>	3,858,100
8885	<u>From Capital Projects Fund, One-time</u>	13,400
8886	<u>From Beginning Nonlapsing Balances</u>	577,100
8887	<u>From Closing Nonlapsing Balances</u>	(189,300)
8888	<u>Schedule of Programs:</u>	
8889	<u>DFCM Administration</u>	8,959,300
8890	<u>Energy Program</u>	538,200
8891	<u>Governor's Residence</u>	177,100

8892 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of  
 8893 Finance reflect all closing nonlapsing appropriation balances from Department of  
 8894 Administrative Services - DFCM Administration as fiscal year 2022 beginning nonlapsing  
 8895 appropriation balances in Department of Government Operations - DFCM Administration.

8896 In accordance with UCA [63J-1-201](#), the Legislature intends that the Department of  
 8897 Government Operations report performance measures for the DFCM Administration line item,  
 8898 whose mission is "to provide professional services to assist State entities in meeting their  
 8899 facility needs for the benefit of the public." The department shall report to the Office of the  
 8900 Legislative Fiscal Analyst and to the Governor's Office of Management and Budget before  
 8901 October 1, 2021 the final status of performance measures for FY 2021 and the current status of  
 8902 the following performance measures for FY 2022: 1) capital improvement projects completed  
 8903 in the fiscal year they are funded (target: at least 86%); and 2) accuracy of Capital Budget  
 8904 Estimates (CBE) (baseline +/- 10%; target +/- 5%).

8905 The Legislature intends that any excess DFCM Project Reserve Funds or Contingency  
 8906 Reserve Funds, as determined by DFCM's analysis of current balances and projected needs,  
 8907 will be transferred to the Utah State Correctional Facility project before any other uses of these  
 8908 funds for FY 2022.

8909 ITEM 7

8910 To Department of Administrative Services - Finance - Elected Official Post-Retirement  
 8911 Benefits Contribution

8912 From General Fund (1,248,800)

8913 Schedule of Programs:

8914 Elected Official Post-Retirement Trust Fund (1,248,800)

8915 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of  
 8916 Finance reflect all closing nonlapsing appropriation balances from Department of  
 8917 Administrative Services - Finance - Elected Official Post-Retirement Benefits Contribution as  
 8918 fiscal year 2022 beginning nonlapsing appropriation balances in Department of Government  
 8919 Operations - Finance - Elected Official Post-Retirement Benefits Contribution.

8920 ITEM 8

8921 To Department of Government Operations - Finance - Elected Official Post-Retirement  
 8922 Benefits Contribution

8923	<u>From General Fund</u>	<u>1,248,800</u>
8924	<u>Schedule of Programs:</u>	
8925	<u>Elected Official Post-Retirement Trust Fund</u>	<u>1,248,800</u>
8926	<u>The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of</u>	
8927	<u>Finance reflect all closing nonlapsing appropriation balances from Department of</u>	
8928	<u>Administrative Services - Finance - Elected Official Post-Retirement Benefits Contribution as</u>	
8929	<u>fiscal year 2022 beginning nonlapsing appropriation balances in Department of Government</u>	
8930	<u>Operations - Finance - Elected Official Post-Retirement Benefits Contribution.</u>	
8931	<u>ITEM 9</u>	
8932	<u>To Department of Administrative Services - Executive Director</u>	
8933	<u>From General Fund</u>	<u>(1,558,300)</u>
8934	<u>From General Fund, One-time</u>	<u>(2,700)</u>
8935	<u>From Dedicated Credits Revenue</u>	<u>(238,700)</u>
8936	<u>From Dedicated Credits Revenue, One-time</u>	<u>(600)</u>
8937	<u>From Beginning Nonlapsing Balances</u>	<u>(250,000)</u>
8938	<u>From Closing Nonlapsing Balances</u>	<u>150,000</u>
8939	<u>Schedule of Programs:</u>	
8940	<u>Executive Director</u>	<u>(1,900,300)</u>
8941	<u>The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of</u>	
8942	<u>Finance reflect all closing nonlapsing appropriation balances from Department of</u>	
8943	<u>Administrative Services - Executive Director as fiscal year 2022 beginning nonlapsing</u>	
8944	<u>appropriation balances in Department of Government Operations - Executive Director.</u>	
8945	<u>ITEM 10</u>	
8946	<u>To Department of Government Operations - Executive Director</u>	
8947	<u>From General Fund</u>	<u>1,558,300</u>
8948	<u>From General Fund, One-time</u>	<u>2,700</u>
8949	<u>From Dedicated Credits Revenue</u>	<u>238,700</u>
8950	<u>From Dedicated Credits Revenue, One-time</u>	<u>600</u>
8951	<u>From Beginning Nonlapsing Balances</u>	<u>250,000</u>
8952	<u>From Closing Nonlapsing Balances</u>	<u>(150,000)</u>
8953	<u>Schedule of Programs:</u>	

8954	<u>Executive Director</u>	<u>1,900,300</u>
8955	<u>The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of</u>	
8956	<u>Finance reflect all closing nonlapsing appropriation balances from Department of</u>	
8957	<u>Administrative Services - Executive Director as fiscal year 2022 beginning nonlapsing</u>	
8958	<u>appropriation balances in Department of Government Operations - Executive Director.</u>	
8959	<u>In accordance with UCA <a href="#">63J-1-201</a>, the Legislature intends that the Department of</u>	
8960	<u>Government Operations report performance measures for the Executive Director line item,</u>	
8961	<u>whose mission is "to create innovative solutions to transform government services." The</u>	
8962	<u>department shall report to the Office of the Legislative Fiscal Analyst and to the Governor's</u>	
8963	<u>Office of Management and Budget before October 1, 2021 the final status of performance</u>	
8964	<u>measures for FY 2021 and the current status of the following performance measures for FY</u>	
8965	<u>2022: 1) independent evaluation/audit of divisions/key programs (target: at least 4 annually);</u>	
8966	<u>and 2) air quality improvement activities across state agencies (targets: 25 activities each year).</u>	
8967	<u>ITEM 11</u>	
8968	<u>To Department of Administrative Services - Finance - Mandated</u>	
8969	<u>From General Fund</u>	<u>(5,278,000)</u>
8970	<u>From General Fund, One-time</u>	<u>4,500,000</u>
8971	<u>From General Fund Restricted - Economic Incentive Restricted Account</u>	<u>(3,255,000)</u>
8972	<u>From Gen. Fund Rest. - Land Exchange Distribution Account</u>	<u>(308,200)</u>
8973	<u>Schedule of Programs:</u>	
8974	<u>Development Zone Partial Rebates</u>	<u>(3,255,000)</u>
8975	<u>Land Exchange Distribution</u>	<u>(308,200)</u>
8976	<u>State Employee Benefits</u>	<u>(778,000)</u>
8977	<u>The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of</u>	
8978	<u>Finance reflect all closing nonlapsing appropriation balances from Department of</u>	
8979	<u>Administrative Services - Finance - Mandated as fiscal year 2022 beginning nonlapsing</u>	
8980	<u>appropriation balances in Department of Government Operations - Finance - Mandated.</u>	
8981	<u>ITEM 12</u>	
8982	<u>To Department of Government Operations - Finance - Mandated</u>	
8983	<u>From General Fund</u>	<u>5,278,000</u>
8984	<u>From General Fund, One-time</u>	<u>(4,500,000)</u>

8985	<u>From General Fund Restricted - Economic Incentive Restricted Account</u>	<u>3,255,000</u>
8986	<u>From Gen. Fund Rest. - Land Exchange Distribution Account</u>	<u>308,200</u>
8987	<u>Schedule of Programs:</u>	
8988	<u>Development Zone Partial Rebates</u>	<u>3,255,000</u>
8989	<u>Land Exchange Distribution</u>	<u>308,200</u>
8990	<u>State Employee Benefits</u>	<u>778,000</u>
8991	<u>The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of</u>	
8992	<u>Finance reflect all closing nonlapsing appropriation balances from Department of</u>	
8993	<u>Administrative Services - Finance - Mandated as fiscal year 2022 beginning nonlapsing</u>	
8994	<u>appropriation balances in Department of Government Operations - Finance - Mandated.</u>	
8995	<u>ITEM 13</u>	
8996	<u>To Department of Administrative Services - Finance - Mandated - Ethics Commissions</u>	
8997	<u>From General Fund</u>	<u>(17,300)</u>
8998	<u>From Beginning Nonlapsing Balances</u>	<u>(99,100)</u>
8999	<u>From Closing Nonlapsing Balances</u>	<u>100,700</u>
9000	<u>Schedule of Programs:</u>	
9001	<u>Executive Branch Ethics Commission</u>	<u>(5,700)</u>
9002	<u>Political Subdivisions Ethics Commission</u>	<u>(10,000)</u>
9003	<u>The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of</u>	
9004	<u>Finance reflect all closing nonlapsing appropriation balances from Department of</u>	
9005	<u>Administrative Services - Finance - Mandated - Ethics Commissions as fiscal year 2022</u>	
9006	<u>beginning nonlapsing appropriation balances in Department of Government Operations -</u>	
9007	<u>Finance - Mandated - Ethics Commissions.</u>	
9008	<u>ITEM 14</u>	
9009	<u>To Department of Government Operations - Finance - Mandated - Ethics Commissions</u>	
9010	<u>From General Fund</u>	<u>17,300</u>
9011	<u>From Beginning Nonlapsing Balances</u>	<u>99,100</u>
9012	<u>From Closing Nonlapsing Balances</u>	<u>(100,700)</u>
9013	<u>Schedule of Programs:</u>	
9014	<u>Executive Branch Ethics Commission</u>	<u>5,700</u>
9015	<u>Political Subdivisions Ethics Commission</u>	<u>10,000</u>

9016	<u>The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of</u>	
9017	<u>Finance reflect all closing nonlapsing appropriation balances from Department of</u>	
9018	<u>Administrative Services - Finance - Mandated - Ethics Commissions as fiscal year 2022</u>	
9019	<u>beginning nonlapsing appropriation balances in Department of Government Operations -</u>	
9020	<u>Finance - Mandated - Ethics Commissions.</u>	
9021	<u>ITEM 15</u>	
9022	<u>To Department of Administrative Services - Finance Administration</u>	
9023	<u>From General Fund</u>	<u>(7,047,100)</u>
9024	<u>From General Fund, One-time</u>	<u>(21,900)</u>
9025	<u>From Transportation Fund</u>	<u>(450,000)</u>
9026	<u>From Dedicated Credits Revenue</u>	<u>(1,844,500)</u>
9027	<u>From Dedicated Credits Revenue, One-time</u>	<u>(7,300)</u>
9028	<u>From Gen. Fund Rest. - Internal Service Fund Overhead</u>	<u>(1,337,600)</u>
9029	<u>From Gen. Fund Rest. - Internal Service Fund Overhead, One-time</u>	<u>(3,000)</u>
9030	<u>From Qualified Patient Enterprise Fund</u>	<u>(2,500)</u>
9031	<u>From Beginning Nonlapsing Balances</u>	<u>(835,800)</u>
9032	<u>From Closing Nonlapsing Balances</u>	<u>200,500</u>
9033	<u>Schedule of Programs:</u>	
9034	<u>Finance Director's Office</u>	<u>(550,900)</u>
9035	<u>Financial Information Systems</u>	<u>(4,336,300)</u>
9036	<u>Financial Reporting</u>	<u>(2,039,100)</u>
9037	<u>Payables/Disbursing</u>	<u>(2,095,900)</u>
9038	<u>Payroll</u>	<u>(2,027,600)</u>
9039	<u>Technical Services</u>	<u>(299,400)</u>
9040	<u>The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of</u>	
9041	<u>Finance reflect all closing nonlapsing appropriation balances from Department of</u>	
9042	<u>Administrative Services - Finance Administration as fiscal year 2022 beginning nonlapsing</u>	
9043	<u>appropriation balances in Department of Government Operations - Finance Administration.</u>	
9044	<u>ITEM 16</u>	
9045	<u>To Department of Government Operations - Finance Administration</u>	
9046	<u>From General Fund</u>	<u>7,047,100</u>

9047	<u>From General Fund, One-time</u>	<u>21,900</u>
9048	<u>From Transportation Fund</u>	<u>450,000</u>
9049	<u>From Dedicated Credits Revenue</u>	<u>1,844,500</u>
9050	<u>From Dedicated Credits Revenue, One-time</u>	<u>7,300</u>
9051	<u>From Gen. Fund Rest. - Internal Service Fund Overhead</u>	<u>1,337,600</u>
9052	<u>From Gen. Fund Rest. - Internal Service Fund Overhead, One-time</u>	<u>3,000</u>
9053	<u>From Qualified Patient Enterprise Fund</u>	<u>2,500</u>
9054	<u>From Beginning Nonlapsing Balances</u>	<u>835,800</u>
9055	<u>From Closing Nonlapsing Balances</u>	<u>(200,500)</u>
9056	<u>Schedule of Programs:</u>	
9057	<u>Finance Director's Office</u>	<u>550,900</u>
9058	<u>Financial Information Systems</u>	<u>4,336,300</u>
9059	<u>Financial Reporting</u>	<u>2,039,100</u>
9060	<u>Payables/Disbursing</u>	<u>2,095,900</u>
9061	<u>Payroll</u>	<u>2,027,600</u>
9062	<u>Technical Services</u>	<u>299,400</u>
9063	<u>The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of</u>	
9064	<u>Finance reflect all closing nonlapsing appropriation balances from Department of</u>	
9065	<u>Administrative Services - Finance Administration as fiscal year 2022 beginning nonlapsing</u>	
9066	<u>appropriation balances in Department of Government Operations - Finance Administration.</u>	
9067	<u>In accordance with UCA <a href="#">63J-1-201</a>, the Legislature intends that the Department of</u>	
9068	<u>Government Operations report performance measures for the Finance Administration line item,</u>	
9069	<u>whose mission is "to serve Utah citizens and state agencies with fiscal leadership and quality</u>	
9070	<u>financial systems, processes, and information." The department shall report to the Office of the</u>	
9071	<u>Legislative Fiscal Analyst and to the Governor's Office of Management and Budget before</u>	
9072	<u>October 1, 2021 the final status of performance measures for FY 2021 and the current status of</u>	
9073	<u>the following performance measure for FY 2022: close the fiscal year within 60 days of the end</u>	
9074	<u>of the fiscal year (baseline: 101 days after June 30; target: 60 days after June 30).</u>	
9075	<u>ITEM 17</u>	
9076	<u>To Department of Administrative Services - Inspector General of Medicaid Services</u>	
9077	<u>From General Fund</u>	<u>(1,261,500)</u>

9078	<u>From General Fund, One-time</u>	(4,300)
9079	<u>From Federal Funds</u>	(8,000)
9080	<u>From Medicaid Expansion Fund</u>	(36,700)
9081	<u>From Medicaid Expansion Fund, One-time</u>	(100)
9082	<u>From Revenue Transfers</u>	(2,499,000)
9083	<u>From Revenue Transfers, One-time</u>	(8,500)
9084	<u>From Beginning Nonlapsing Balances</u>	(155,200)
9085	<u>From Closing Nonlapsing Balances</u>	155,200
9086	<u>Schedule of Programs:</u>	
9087	<u>Inspector General of Medicaid Services</u>	(3,818,100)
9088	<u>The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of</u>	
9089	<u>Finance reflect all closing nonlapsing appropriation balances from Department of</u>	
9090	<u>Administrative Services - Inspector General of Medicaid Services as fiscal year 2022 beginning</u>	
9091	<u>nonlapsing appropriation balances in Department of Government Operations - Inspector</u>	
9092	<u>General of Medicaid Services.</u>	
9093	<u>ITEM 18</u>	
9094	<u>To Department of Government Operations - Inspector General of Medicaid Services</u>	
9095	<u>From General Fund</u>	1,261,500
9096	<u>From General Fund, One-time</u>	4,300
9097	<u>From Federal Funds</u>	8,000
9098	<u>From Medicaid Expansion Fund</u>	36,700
9099	<u>From Medicaid Expansion Fund, One-time</u>	100
9100	<u>From Revenue Transfers</u>	2,499,000
9101	<u>From Revenue Transfers, One-time</u>	8,500
9102	<u>From Beginning Nonlapsing Balances</u>	155,200
9103	<u>From Closing Nonlapsing Balances</u>	(155,200)
9104	<u>Schedule of Programs:</u>	
9105	<u>Inspector General of Medicaid Services</u>	3,818,100
9106	<u>The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of</u>	
9107	<u>Finance reflect all closing nonlapsing appropriation balances from Department of</u>	
9108	<u>Administrative Services - Inspector General of Medicaid Services as fiscal year 2022 beginning</u>	

9109 nonlapsing appropriation balances in Department of Government Operations - Inspector  
 9110 General of Medicaid Services.

9111 In accordance with UCA 63J-1-201, the Legislature intends that the Office of Inspector  
 9112 General of Medicaid Services, whose goal is to "eliminate fraud, waste, and abuse within the  
 9113 Medicaid program" report its performance measures to the Office of the Legislative Fiscal  
 9114 Analyst and to the Governor's Office of Management and Budget before October 1, 2021 the  
 9115 final status of performance measures for FY 2021 and the current status of the following  
 9116 performance measures for FY 2022: 1) cost avoidance projected over one year and three years;  
 9117 2) Medicaid dollars recovered through cash collections, directed re-bills, and credit  
 9118 adjustments; 3) the number of credible allegations of provider and/or recipient fraud received,  
 9119 initial investigations conducted, and referred to an outside entity (e.g. Medicaid Fraud Control  
 9120 Unit, Department of Workforce Services, local law enforcement, etc.); 4) the number of fraud,  
 9121 waste, and abuse cases identified and evaluated; and 5) the number of recommendations for  
 9122 improvement made to the Department of Health.

9123 The Legislature intends that the Inspector General of Medicaid Services retain up to an  
 9124 additional \$60,000 of the State's share of Medicaid collections during FY 2022 to pay the  
 9125 Office of the Attorney General for the State costs of the one attorney FTE that the Office of the  
 9126 Inspector General is using.

9127 ITEM 19

9128	<u>To Department of Administrative Services - Judicial Conduct Commission</u>	
9129	<u>From General Fund</u>	<u>(281,600)</u>
9130	<u>From General Fund, One-time</u>	<u>(700)</u>
9131	<u>From Beginning Nonlapsing Balances</u>	<u>(5,100)</u>
9132	<u>From Closing Nonlapsing Balances</u>	<u>9,800</u>

9133 Schedule of Programs:

9134	<u>Judicial Conduct Commission</u>	<u>(277,600)</u>
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9135 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of  
 9136 Finance reflect all closing nonlapsing appropriation balances from Department of  
 9137 Administrative Services - Judicial Conduct Commission as fiscal year 2022 beginning  
 9138 nonlapsing appropriation balances in Department of Government Operations - Judicial Conduct  
 9139 Commission.

9140	<u>ITEM 20</u>	
9141	<u>To Department of Government Operations - Judicial Conduct Commission</u>	
9142	<u>From General Fund</u>	<u>281,600</u>
9143	<u>From General Fund, One-time</u>	<u>700</u>
9144	<u>From Beginning Nonlapsing Balances</u>	<u>5,100</u>
9145	<u>From Closing Nonlapsing Balances</u>	<u>(9,800)</u>
9146	<u>Schedule of Programs:</u>	
9147	<u>Judicial Conduct Commission</u>	<u>277,600</u>
9148	<u>The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of</u>	
9149	<u>Finance reflect all closing nonlapsing appropriation balances from Department of</u>	
9150	<u>Administrative Services - Judicial Conduct Commission as fiscal year 2022 beginning</u>	
9151	<u>nonlapsing appropriation balances in Department of Government Operations - Judicial Conduct</u>	
9152	<u>Commission.</u>	
9153	<u>ITEM 21</u>	
9154	<u>To Department of Administrative Services - Post Conviction Indigent Defense</u>	
9155	<u>From General Fund</u>	<u>(33,900)</u>
9156	<u>From Beginning Nonlapsing Balances</u>	<u>(136,500)</u>
9157	<u>From Closing Nonlapsing Balances</u>	<u>136,500</u>
9158	<u>Schedule of Programs:</u>	
9159	<u>Post Conviction Indigent Defense Fund</u>	<u>(33,900)</u>
9160	<u>The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of</u>	
9161	<u>Finance reflect all closing nonlapsing appropriation balances from Department of</u>	
9162	<u>Administrative Services - Post Conviction Indigent Defense as fiscal year 2022 beginning</u>	
9163	<u>nonlapsing appropriation balances in Department of Government Operations - Post Conviction</u>	
9164	<u>Indigent Defense.</u>	
9165	<u>ITEM 22</u>	
9166	<u>To Department of Government Operations - Post Conviction Indigent Defense</u>	
9167	<u>From General Fund</u>	<u>33,900</u>
9168	<u>From Beginning Nonlapsing Balances</u>	<u>136,500</u>
9169	<u>From Closing Nonlapsing Balances</u>	<u>(136,500)</u>
9170	<u>Schedule of Programs:</u>	

9171 Post Conviction Indigent Defense Fund 33,900

9172 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of

9173 Finance reflect all closing nonlapsing appropriation balances from Department of

9174 Administrative Services - Post Conviction Indigent Defense as fiscal year 2022 beginning

9175 nonlapsing appropriation balances in Department of Government Operations - Post Conviction

9176 Indigent Defense.

9177 ITEM 23

9178 To Department of Administrative Services - Purchasing

9179 From General Fund (860,800)

9180 From General Fund, One-time (4,500)

9181 Schedule of Programs:

9182 Purchasing and General Services (865,300)

9183 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of

9184 Finance reflect all closing nonlapsing appropriation balances from Department of

9185 Administrative Services - Purchasing as fiscal year 2022 beginning nonlapsing appropriation

9186 balances in Department of Government Operations - Purchasing.

9187 ITEM 24

9188 To Department of Government Operations - Purchasing

9189 From General Fund 860,800

9190 From General Fund, One-time 4,500

9191 Schedule of Programs:

9192 Purchasing and General Services 865,300

9193 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of

9194 Finance reflect all closing nonlapsing appropriation balances from Department of

9195 Administrative Services - Purchasing as fiscal year 2022 beginning nonlapsing appropriation

9196 balances in Department of Government Operations - Purchasing.

9197 In accordance with UCA [63J-1-201](#), the Legislature intends that the Department of

9198 Government Operations report performance measures for the Purchasing and General Services

9199 line item, whose purpose is to ensure that the state agencies adhere to the requirement of the

9200 Utah Procurement Code when conducting procurements. The department shall report to the

9201 Office of the Legislative Fiscal Analyst and to the Governor's Office of Management and

9202	<u>Budget before October 1, 2021 the final status of performance measures for FY 2021 and the</u>	
9203	<u>current status of the following performance measures for FY 2022: 1) increase the average</u>	
9204	<u>discount on State of Utah Best Value Cooperative Contracts (baseline: 32%, target: 40%); 2)</u>	
9205	<u>increase the number of State of Utah Best Value Cooperative Contracts for public entities to</u>	
9206	<u>use (baseline: 950, target: 1,000); and 3) increase the amount of total spend on State of Utah</u>	
9207	<u>Best Value Cooperative Contracts (baseline: \$550 million, target: \$600 million).</u>	
9208	<u>ITEM 25</u>	
9209	<u>To Department of Administrative Services - State Archives</u>	
9210	<u>From General Fund</u>	<u>(3,322,200)</u>
9211	<u>From General Fund, One-time</u>	<u>(11,500)</u>
9212	<u>From Federal Funds</u>	<u>(44,100)</u>
9213	<u>From Federal Funds, One-time</u>	<u>(500)</u>
9214	<u>From Dedicated Credits Revenue</u>	<u>(67,600)</u>
9215	<u>From Dedicated Credits Revenue, One-time</u>	<u>(100)</u>
9216	<u>From Beginning Nonlapsing Balances</u>	<u>(58,300)</u>
9217	<u>From Closing Nonlapsing Balances</u>	<u>92,800</u>
9218	<u>Schedule of Programs:</u>	
9219	<u>Archives Administration</u>	<u>(1,735,500)</u>
9220	<u>Open Records</u>	<u>(100)</u>
9221	<u>Patron Services</u>	<u>(702,200)</u>
9222	<u>Preservation Services</u>	<u>(262,300)</u>
9223	<u>Records Analysis</u>	<u>(711,500)</u>
9224	<u>Records Services</u>	<u>100</u>
9225	<u>The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of</u>	
9226	<u>Finance reflect all closing nonlapsing appropriation balances from Department of</u>	
9227	<u>Administrative Services - State Archives as fiscal year 2022 beginning nonlapsing</u>	
9228	<u>appropriation balances in Department of Government Operations - State Archives.</u>	
9229	<u>ITEM 26</u>	
9230	<u>To Department of Government Operations - State Archives</u>	
9231	<u>From General Fund</u>	<u>3,322,200</u>
9232	<u>From General Fund, One-time</u>	<u>11,500</u>

9233	<u>From Federal Funds</u>	<u>44,100</u>
9234	<u>From Federal Funds, One-time</u>	<u>500</u>
9235	<u>From Dedicated Credits Revenue</u>	<u>67,600</u>
9236	<u>From Dedicated Credits Revenue, One-time</u>	<u>100</u>
9237	<u>From Beginning Nonlapsing Balances</u>	<u>58,300</u>
9238	<u>From Closing Nonlapsing Balances</u>	<u>(92,800)</u>
9239	<u>Schedule of Programs:</u>	
9240	<u>Archives Administration</u>	<u>1,735,500</u>
9241	<u>Open Records</u>	<u>100</u>
9242	<u>Patron Services</u>	<u>702,200</u>
9243	<u>Preservation Services</u>	<u>262,300</u>
9244	<u>Records Analysis</u>	<u>711,500</u>
9245	<u>Records Services</u>	<u>(100)</u>
9246	<u>The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of</u>	
9247	<u>Finance reflect all closing nonlapsing appropriation balances from Department of</u>	
9248	<u>Administrative Services - State Archives as fiscal year 2022 beginning nonlapsing</u>	
9249	<u>appropriation balances in Department of Government Operations - State Archives.</u>	
9250	<u>In accordance with UCA <a href="#">63J-1-201</a>, the Legislature intends that the Department of</u>	
9251	<u>Government Operations report performance measures for the State Archives line item, whose</u>	
9252	<u>mission is to assist Utah government agencies in the efficient management of their records, to</u>	
9253	<u>preserve those records of enduring value, and to provide quality access to public information."</u>	
9254	<u>The department shall report to the Office of the Legislative Fiscal Analyst and to the</u>	
9255	<u>Governor's Office of Management and Budget before October 1, 2021 the final status of</u>	
9256	<u>performance measures for FY 2021 and the current status of the following performance</u>	
9257	<u>measures for FY 2022: 1) percentage of reformatted records that meet or exceed estimated</u>	
9258	<u>completion date (target: 80%); 2) percentage of reformatted records projects completed that</u>	
9259	<u>were error-free in quality control checks (target: 90%); and 3) government employees receiving</u>	
9260	<u>training and certified as a records officer (target: at least a 10% increase).</u>	
9261	<u>ITEM 27</u>	
9262	<u>To Department of Administrative Services - Finance Mandated - Mineral Lease Special</u>	
9263	<u>Service Districts</u>	

9264	<u>From General Fund Restricted - Mineral Lease</u>	<u>(27,797,500)</u>
9265	<u>Schedule of Programs:</u>	
9266	<u>Mineral Lease Payments</u>	<u>(24,162,700)</u>
9267	<u>Mineral Lease Payments in Lieu</u>	<u>(3,634,800)</u>
9268	<u>The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of</u>	
9269	<u>Finance reflect all closing nonlapsing appropriation balances from Department of</u>	
9270	<u>Administrative Services - Finance Mandated - Mineral Lease Special Service Districts as fiscal</u>	
9271	<u>year 2022 beginning nonlapsing appropriation balances in Department of Government</u>	
9272	<u>Operations - Finance Mandated - Mineral Lease Special Service Districts.</u>	
9273	<u>ITEM 28</u>	
9274	<u>To Department of Government Operations - Finance Mandated - Mineral Lease Special</u>	
9275	<u>Service Districts</u>	
9276	<u>From General Fund Restricted - Mineral Lease</u>	<u>27,797,500</u>
9277	<u>Schedule of Programs:</u>	
9278	<u>Mineral Lease Payments</u>	<u>24,162,700</u>
9279	<u>Mineral Lease Payments in Lieu</u>	<u>3,634,800</u>
9280	<u>The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of</u>	
9281	<u>Finance reflect all closing nonlapsing appropriation balances from Department of</u>	
9282	<u>Administrative Services - Finance Mandated - Mineral Lease Special Service Districts as fiscal</u>	
9283	<u>year 2022 beginning nonlapsing appropriation balances in Department of Government</u>	
9284	<u>Operations - Finance Mandated - Mineral Lease Special Service Districts.</u>	
9285	<u>ITEM 29</u>	
9286	<u>To Department of Technology Services - Chief Information Officer</u>	
9287	<u>From General Fund</u>	<u>(668,200)</u>
9288	<u>From General Fund, One-time</u>	<u>(700)</u>
9289	<u>Schedule of Programs:</u>	
9290	<u>Chief Information Officer</u>	<u>(668,900)</u>
9291	<u>The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of</u>	
9292	<u>Finance reflect all closing nonlapsing appropriation balances from Department of Technology</u>	
9293	<u>Services - Chief Information Officer as fiscal year 2022 beginning nonlapsing appropriation</u>	
9294	<u>balances in Department of Government Operations - Chief Information Officer.</u>	

9295	<u>ITEM 30</u>	
9296	<u>To Department of Government Operations - Chief Information Officer</u>	
9297	<u>From General Fund</u>	<u>668,200</u>
9298	<u>From General Fund, One-time</u>	<u>700</u>
9299	<u>Schedule of Programs:</u>	
9300	<u>Chief Information Officer</u>	<u>668,900</u>
9301	<u>The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of</u>	
9302	<u>Finance reflect all closing nonlapsing appropriation balances from Department of Technology</u>	
9303	<u>Services - Chief Information Officer as fiscal year 2022 beginning nonlapsing appropriation</u>	
9304	<u>balances in Department of Government Operations - Chief Information Officer.</u>	
9305	<u>In accordance with UCA <a href="#">63J-1-201</a>, the Legislature intends that the Department of</u>	
9306	<u>Government Operations report performance measures for the Chief Information Officer line</u>	
9307	<u>item. The department shall report to the Office of the Legislative Fiscal Analyst and to the</u>	
9308	<u>Governor's Office of Management and Budget before October 1, 2021 the final status of</u>	
9309	<u>performance measures for FY 2021 appropriations bills and the current status of the following</u>	
9310	<u>performance measures for FY 2022: 1) data security - ongoing systematic prioritization of</u>	
9311	<u>high-risk areas across the state (target: score below 5,000); 2) application development -</u>	
9312	<u>satisfaction scores on application development projects from agencies (target: average at least</u>	
9313	<u>83%); and 3) procurement and deployment - ensure state employees receive computers in a</u>	
9314	<u>timely manner (target: at least 75%).</u>	
9315	<u>ITEM 31</u>	
9316	<u>To Department of Technology Services - Integrated Technology Division</u>	
9317	<u>From General Fund</u>	<u>(1,245,100)</u>
9318	<u>From General Fund, One-time</u>	<u>(2,600)</u>
9319	<u>From Federal Funds</u>	<u>(707,200)</u>
9320	<u>From Federal Funds, One-time</u>	<u>(1,700)</u>
9321	<u>From Dedicated Credits Revenue</u>	<u>(1,224,300)</u>
9322	<u>From Dedicated Credits Revenue, One-time</u>	<u>(2,500)</u>
9323	<u>From Gen. Fund Rest. - Statewide Unified E-911 Emerg. Acct.</u>	<u>(337,100)</u>
9324	<u>From Gen. Fund Rest. - Statewide Unified E-911 Emerg. Acct., One-time</u>	<u>(700)</u>
9325	<u>Schedule of Programs:</u>	



9357 data layer required for Next Generation 911 services is published monthly to the State  
 9358 Geographic Information Database (target: at least 120 county-sourced updates including 50  
 9359 updates from Utah's class I and II counties); and 3) uptime for AGRC's TURN GPS real-time,  
 9360 high precision geo-positioning service that provides differential correction services to paying  
 9361 and partner subscribers in the surveying, mapping, construction, and agricultural industries  
 9362 (target: at least 99.5%).

9363 Subsection 209(b). Expendable Funds and Accounts.

9364 The Legislature has reviewed the following expendable funds. The Legislature  
 9365 authorizes the State Division of Finance to transfer amounts between funds and accounts as  
 9366 indicated. Outlays and expenditures from the funds or accounts to which the money is  
 9367 transferred may be made without further legislative action, in accordance with statutory  
 9368 provisions relating to the funds or accounts.

9369 ITEM 33

9370 To Department of Administrative Services - State Archives Fund

9371 From Beginning Fund Balance (2,600)

9372 From Closing Fund Balance 2,600

9373 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of  
 9374 Finance reflect all closing fund balances from Department of Administrative Services - State  
 9375 Archives Fund as fiscal year 2022 beginning fund balances in Department of Government  
 9376 Operations - State Archives Fund.

9377 ITEM 34

9378 To Department of Government Operations - State Archives Fund

9379 From Beginning Fund Balance 2,600

9380 From Closing Fund Balance (2,600)

9381 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of  
 9382 Finance reflect all closing fund balances from Department of Administrative Services - State  
 9383 Archives Fund as fiscal year 2022 beginning fund balances in Department of Government  
 9384 Operations - State Archives Fund.

9385 ITEM 35

9386 To Department of Administrative Services - State Debt Collection Fund

9387 From Dedicated Credits Revenue (3,623,300)

9388	<u>From Dedicated Credits Revenue, One-time</u>	(7,100)
9389	<u>From Other Financing Sources</u>	(200)
9390	<u>From Beginning Fund Balance</u>	(792,400)
9391	<u>From Closing Fund Balance</u>	<u>909,200</u>
9392	<u>Schedule of Programs:</u>	
9393	<u>State Debt Collection Fund</u>	(3,513,800)
9394	<u>The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of</u>	
9395	<u>Finance reflect all closing fund balances from Department of Administrative Services - State</u>	
9396	<u>Debt Collection Fund as fiscal year 2022 beginning fund balances in Department of</u>	
9397	<u>Government Operations - State Debt Collection Fund.</u>	
9398	<u>ITEM 36</u>	
9399	<u>To Department of Government Operations - State Debt Collection Fund</u>	
9400	<u>From Dedicated Credits Revenue</u>	3,623,300
9401	<u>From Dedicated Credits Revenue, One-time</u>	7,100
9402	<u>From Other Financing Sources</u>	200
9403	<u>From Beginning Fund Balance</u>	792,400
9404	<u>From Closing Fund Balance</u>	<u>(909,200)</u>
9405	<u>Schedule of Programs:</u>	
9406	<u>State Debt Collection Fund</u>	3,513,800
9407	<u>The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of</u>	
9408	<u>Finance reflect all closing fund balances from Department of Administrative Services - State</u>	
9409	<u>Debt Collection Fund as fiscal year 2022 beginning fund balances in Department of</u>	
9410	<u>Government Operations - State Debt Collection Fund.</u>	
9411	<u>ITEM 37</u>	
9412	<u>To Department of Administrative Services - Wire Estate Memorial Fund</u>	
9413	<u>From Beginning Fund Balance</u>	(168,200)
9414	<u>From Closing Fund Balance</u>	<u>168,200</u>
9415	<u>The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of</u>	
9416	<u>Finance reflect all closing fund balances from Department of Administrative Services - Wire</u>	
9417	<u>Estate Memorial Fund as fiscal year 2022 beginning fund balances in Department of</u>	
9418	<u>Government Operations - Wire Estate Memorial Fund.</u>	

9419	<u>ITEM 38</u>	
9420	<u>To Department of Government Operations - Wire Estate Memorial Fund</u>	
9421	<u>From Beginning Fund Balance</u>	<u>168,200</u>
9422	<u>From Closing Fund Balance</u>	<u>(168,200)</u>
9423	<u>The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of</u>	
9424	<u>Finance reflect all closing fund balances from Department of Administrative Services - Wire</u>	
9425	<u>Estate Memorial Fund as fiscal year 2022 beginning fund balances in Department of</u>	
9426	<u>Government Operations - Wire Estate Memorial Fund.</u>	
9427	<u>Subsection 209(c). <b>Business-like Activities.</b></u>	
9428	<u>The Legislature has reviewed the following proprietary funds. Under the terms and</u>	
9429	<u>conditions of Utah Code <a href="#">63J-1-410</a>, for any included Internal Service Fund, the Legislature</u>	
9430	<u>approves budgets, full-time permanent positions, and capital acquisition amounts as indicated,</u>	
9431	<u>and appropriates to the funds, as indicated, estimated revenue from rates, fees, and other</u>	
9432	<u>charges. The Legislature authorizes the State Division of Finance to transfer amounts between</u>	
9433	<u>funds and accounts as indicated.</u>	
9434	<u>ITEM 39</u>	
9435	<u>To Department of Human Resource Management - Human Resources Internal</u>	
9436	<u>Service Fund</u>	
9437	<u>From Dedicated Credits Revenue</u>	<u>(14,494,300)</u>
9438	<u>From Beginning Fund Balance</u>	<u>(1,780,800)</u>
9439	<u>From Closing Fund Balance</u>	<u>919,800</u>
9440	<u>Schedule of Programs:</u>	
9441	<u>Administration</u>	<u>(1,599,300)</u>
9442	<u>Information Technology</u>	<u>(1,079,200)</u>
9443	<u>ISF - Core HR Services</u>	<u>(246,900)</u>
9444	<u>ISF - Field Services</u>	<u>(9,689,800)</u>
9445	<u>ISF - Payroll Field Services</u>	<u>(674,900)</u>
9446	<u>Policy</u>	<u>(2,065,200)</u>
9447	<u>Budgeted FTE</u>	<u>(122.0)</u>
9448	<u>Authorized Capital Outlay</u>	<u>(1,500,000)</u>
9449	<u>The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of</u>	

9450	<u>Finance reflect all closing fund balances from Department of Human Resource Management -</u>	
9451	<u>Human Resources Internal Service Fund as fiscal year 2022 beginning fund balances in</u>	
9452	<u>Department of Government Operations - Human Resources Internal Service Fund.</u>	
9453	<u>ITEM 40</u>	
9454	<u>To Department of Government Operations - Human Resources Internal Service Fund</u>	
9455	<u>From Dedicated Credits Revenue</u>	<u>14,494,300</u>
9456	<u>From Beginning Fund Balance</u>	<u>1,780,800</u>
9457	<u>From Closing Fund Balance</u>	<u>(919,800)</u>
9458	<u>Schedule of Programs:</u>	
9459	<u>Administration</u>	<u>1,599,300</u>
9460	<u>Information Technology</u>	<u>1,079,200</u>
9461	<u>ISF - Core HR Services</u>	<u>246,900</u>
9462	<u>ISF - Field Services</u>	<u>9,689,800</u>
9463	<u>ISF - Payroll Field Services</u>	<u>674,900</u>
9464	<u>Policy</u>	<u>2,065,200</u>
9465	<u>Budgeted FTE</u>	<u>122.0</u>
9466	<u>Authorized Capital Outlay</u>	<u>1,500,000</u>
9467	<u>The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of</u>	
9468	<u>Finance reflect all closing fund balances from Department of Human Resource Management -</u>	
9469	<u>Human Resources Internal Service Fund as fiscal year 2022 beginning fund balances in</u>	
9470	<u>Department of Government Operations - Human Resources Internal Service Fund.</u>	
9471	<u>ITEM 41</u>	
9472	<u>To Department of Administrative Services Internal Service Funds - Division of</u>	
9473	<u>Facilities Construction and Management - Facilities Management</u>	
9474	<u>From Dedicated Credits Revenue</u>	<u>(37,041,000)</u>
9475	<u>From Beginning Fund Balance</u>	<u>(3,825,800)</u>
9476	<u>From Closing Fund Balance</u>	<u>347,200</u>
9477	<u>Schedule of Programs:</u>	
9478	<u>ISF - Facilities Management</u>	<u>(40,519,600)</u>
9479	<u>Budgeted FTE</u>	<u>(162.0)</u>
9480	<u>Authorized Capital Outlay</u>	<u>(396,600)</u>

9481 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of  
 9482 Finance reflect all closing fund balances from Department of Administrative Services Internal  
 9483 Service Funds - Division of Facilities Construction and Management - Facilities Management  
 9484 as fiscal year 2022 beginning fund balances in Department of Government Operations Internal  
 9485 Service Funds - Division of Facilities Construction and Management - Facilities Management.

9486 ITEM 42

9487 To Department of Government Operations Internal Service Funds - Division of  
 9488 Facilities Construction and Management - Facilities Management  
 9489 From Dedicated Credits Revenue 37,041,000  
 9490 From Beginning Fund Balance 3,825,800  
 9491 From Closing Fund Balance (347,200)

9492 Schedule of Programs:

9493 ISF - Facilities Management 40,519,600  
 9494 Budgeted FTE 162.0  
 9495 Authorized Capital Outlay 396,600

9496 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of  
 9497 Finance reflect all closing fund balances from Department of Administrative Services Internal  
 9498 Service Funds - Division of Facilities Construction and Management - Facilities Management  
 9499 as fiscal year 2022 beginning fund balances in Department of Government Operations Internal  
 9500 Service Funds - Division of Facilities Construction and Management - Facilities Management.

9501 In accordance with UCA [63J-1-201](#), the Legislature intends that the Department of  
 9502 Government Operations report performance measures for the ISF - Facilities Management line  
 9503 item, whose mission is "to provide professional building maintenance services to State  
 9504 facilities, agency customers, and the general public." The department shall report to the Office  
 9505 of the Legislative Fiscal Analyst and to the Governor's Office of Management and Budget  
 9506 before October 1, 2021 the final status of performance measures for FY 2021 and the current  
 9507 status of the following performance measure for FY 2022: average maintenance cost per square  
 9508 foot compared to the private sector (target: at least 18% less than the private market).

9509 ITEM 43

9510 To Department of Administrative Services Internal Service Funds - Division of Finance  
 9511 From Dedicated Credits Revenue (621,300)

9512	<u>From Beginning Fund Balance</u>	(34,100)
9513	<u>From Closing Fund Balance</u>	42,900
9514	<u>Schedule of Programs:</u>	
9515	<u>ISF - Purchasing Card</u>	(612,500)
9516	<u>Budgeted FTE</u>	(2.5)
9517	<u>The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of</u>	
9518	<u>Finance reflect all closing fund balances from Department of Administrative Services Internal</u>	
9519	<u>Service Funds - Division of Finance as fiscal year 2022 beginning fund balances in Department</u>	
9520	<u>of Government Operations Internal Service Funds - Division of Finance.</u>	
9521	<u>ITEM 44</u>	
9522	<u>To Department of Government Operations Internal Service Funds - Division of Finance</u>	
9523	<u>From Dedicated Credits Revenue</u>	621,300
9524	<u>From Beginning Fund Balance</u>	34,100
9525	<u>From Closing Fund Balance</u>	(42,900)
9526	<u>Schedule of Programs:</u>	
9527	<u>ISF - Purchasing Card</u>	612,500
9528	<u>Budgeted FTE</u>	2.5
9529	<u>The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of</u>	
9530	<u>Finance reflect all closing fund balances from Department of Administrative Services Internal</u>	
9531	<u>Service Funds - Division of Finance as fiscal year 2022 beginning fund balances in Department</u>	
9532	<u>of Government Operations Internal Service Funds - Division of Finance.</u>	
9533	<u>ITEM 45</u>	
9534	<u>To Department of Administrative Services Internal Service Funds - Division of</u>	
9535	<u>Fleet Operations</u>	
9536	<u>From Dedicated Credits Revenue</u>	(60,263,700)
9537	<u>From Beginning Fund Balance</u>	(50,454,400)
9538	<u>From Closing Fund Balance</u>	49,713,900
9539	<u>Schedule of Programs:</u>	
9540	<u>ISF - Fuel Network</u>	(27,146,200)
9541	<u>ISF - Motor Pool</u>	(32,688,100)
9542	<u>ISF - Travel Office</u>	(496,200)

9543	<u>Transactions Group</u>	<u>(673,700)</u>
9544	<u>Budgeted FTE</u>	<u>(41.0)</u>
9545	<u>Authorized Capital Outlay</u>	<u>(21,000,000)</u>
9546	<u>The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of</u>	
9547	<u>Finance reflect all closing fund balances from Department of Administrative Services Internal</u>	
9548	<u>Service Funds - Division of Fleet Operations as fiscal year 2022 beginning fund balances in</u>	
9549	<u>Department of Government Operations Internal Service Funds - Division of Fleet Operations.</u>	
9550	<u>ITEM 46</u>	
9551	<u>To Department of Government Operations Internal Service Funds - Division of</u>	
9552	<u>Fleet Operations</u>	
9553	<u>From Dedicated Credits Revenue</u>	<u>60,263,700</u>
9554	<u>From Beginning Fund Balance</u>	<u>50,454,400</u>
9555	<u>From Closing Fund Balance</u>	<u>(49,713,900)</u>
9556	<u>Schedule of Programs:</u>	
9557	<u>ISF - Fuel Network</u>	<u>27,146,200</u>
9558	<u>ISF - Motor Pool</u>	<u>32,688,100</u>
9559	<u>ISF - Travel Office</u>	<u>496,200</u>
9560	<u>Transactions Group</u>	<u>673,700</u>
9561	<u>Budgeted FTE</u>	<u>41.0</u>
9562	<u>Authorized Capital Outlay</u>	<u>21,000,000</u>
9563	<u>The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of</u>	
9564	<u>Finance reflect all closing fund balances from Department of Administrative Services Internal</u>	
9565	<u>Service Funds - Division of Fleet Operations as fiscal year 2022 beginning fund balances in</u>	
9566	<u>Department of Government Operations Internal Service Funds - Division of Fleet Operations.</u>	
9567	<u>In accordance with UCA <a href="#">63J-1-201</a>, the Legislature intends that the Department of</u>	
9568	<u>Government Operations report performance measures for the Fleet Operations line item, whose</u>	
9569	<u>mission is "emphasizing customer service, provide safe, efficient, dependable, and responsible</u>	
9570	<u>transportation options." The department shall report to the Office of the Legislative Fiscal</u>	
9571	<u>Analyst and to the Governor's Office of Management and Budget before October 1, 2021 the</u>	
9572	<u>final status of performance measures for FY 2021 and the current status of the following</u>	
9573	<u>performance measures for FY 2022: 1) improve EPA emission standard certification level for</u>	

9574 the State's light duty fleet in non-attainment areas (target: reduce average fleet emission by 1  
 9575 mg/mile annually); 2) maintain the financial solvency of the Division of Fleet Operations  
 9576 (target: 30% or less of the allowable debt); and 3) audit agency customers' mobility options and  
 9577 develop improvement plans for audited agencies (target: at least 4 annually).

9578 ITEM 47

9579	<u>To Department of Administrative Services Internal Service Funds - Division of</u>	
9580	<u>Purchasing and General Services</u>	
9581	<u>From Dedicated Credits Revenue</u>	<u>(20,233,000)</u>
9582	<u>From Other Financing Sources</u>	<u>(27,500)</u>
9583	<u>From Beginning Fund Balance</u>	<u>(9,500,600)</u>
9584	<u>From Closing Fund Balance</u>	<u>9,499,200</u>

9585 Schedule of Programs:

9586	<u>ISF - Central Mailing</u>	<u>(12,750,000)</u>
9587	<u>ISF - Cooperative Contracting</u>	<u>(4,242,000)</u>
9588	<u>ISF - Federal Surplus Property</u>	<u>(66,400)</u>
9589	<u>ISF - Print Services</u>	<u>(2,543,500)</u>
9590	<u>ISF - State Surplus Property</u>	<u>(660,000)</u>
9591	<u>Budgeted FTE</u>	<u>(97.3)</u>
9592	<u>Authorized Capital Outlay</u>	<u>(4,070,000)</u>

9593 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of  
 9594 Finance reflect all closing fund balances from Department of Administrative Services Internal  
 9595 Service Funds - Division of Purchasing and General Services as fiscal year 2022 beginning  
 9596 fund balances in Department of Government Operations Internal Service Funds - Division of  
 9597 Purchasing and General Services.

9598 ITEM 48

9599	<u>To Department of Government Operations Internal Service Funds - Division of</u>	
9600	<u>Purchasing and General Services</u>	
9601	<u>From Dedicated Credits Revenue</u>	<u>20,233,000</u>
9602	<u>From Other Financing Sources</u>	<u>27,500</u>
9603	<u>From Beginning Fund Balance</u>	<u>9,500,600</u>
9604	<u>From Closing Fund Balance</u>	<u>(9,499,200)</u>

9605	<u>Schedule of Programs:</u>	
9606	<u>ISF - Central Mailing</u>	<u>12,750,000</u>
9607	<u>ISF - Cooperative Contracting</u>	<u>4,242,000</u>
9608	<u>ISF - Federal Surplus Property</u>	<u>66,400</u>
9609	<u>ISF - Print Services</u>	<u>2,543,500</u>
9610	<u>ISF - State Surplus Property</u>	<u>660,000</u>
9611	<u>Budgeted FTE</u>	<u>97.3</u>
9612	<u>Authorized Capital Outlay</u>	<u>4,070,000</u>
9613	<u>The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of</u>	
9614	<u>Finance reflect all closing fund balances from Department of Administrative Services Internal</u>	
9615	<u>Service Funds - Division of Purchasing and General Services as fiscal year 2022 beginning</u>	
9616	<u>fund balances in Department of Government Operations Internal Service Funds - Division of</u>	
9617	<u>Purchasing and General Services.</u>	
9618	<u>ITEM 49</u>	
9619	<u>To Department of Administrative Services Internal Service Funds - Risk Management</u>	
9620	<u>From Dedicated Credits Revenue</u>	<u>(610,700)</u>
9621	<u>From Premiums</u>	<u>(54,670,700)</u>
9622	<u>From Interest Income</u>	<u>(1,181,700)</u>
9623	<u>From Other Financing Sources</u>	<u>(415,700)</u>
9624	<u>From Beginning Fund Balance</u>	<u>(5,223,700)</u>
9625	<u>From Closing Fund Balance</u>	<u>5,513,700</u>
9626	<u>Schedule of Programs:</u>	
9627	<u>ISF - Risk Management Administration</u>	<u>(1,311,000)</u>
9628	<u>ISF - Workers' Compensation</u>	<u>(7,842,300)</u>
9629	<u>Risk Management - Auto</u>	<u>(2,496,600)</u>
9630	<u>Risk Management - Liability</u>	<u>(26,244,400)</u>
9631	<u>Risk Management - Property</u>	<u>(18,694,500)</u>
9632	<u>Budgeted FTE</u>	<u>(32.0)</u>
9633	<u>Authorized Capital Outlay</u>	<u>(500,000)</u>
9634	<u>The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of</u>	
9635	<u>Finance reflect all closing fund balances from Department of Administrative Services Internal</u>	

9636 Service Funds - Risk Management as fiscal year 2022 beginning fund balances in Department  
 9637 of Government Operations Internal Service Funds - Risk Management.  
 9638 ITEM 50  
 9639 To Department of Government Operations Internal Service Funds - Risk Management  
 9640 From Dedicated Credits Revenue 610,700  
 9641 From Premiums 54,670,700  
 9642 From Interest Income 1,181,700  
 9643 From Other Financing Sources 415,700  
 9644 From Beginning Fund Balance 5,223,700  
 9645 From Closing Fund Balance (5,513,700)

9646 Schedule of Programs:

9647	<u>ISF - Risk Management Administration</u>	<u>1,311,000</u>
9648	<u>ISF - Workers' Compensation</u>	<u>7,842,300</u>
9649	<u>Risk Management - Auto</u>	<u>2,496,600</u>
9650	<u>Risk Management - Liability</u>	<u>26,244,400</u>
9651	<u>Risk Management - Property</u>	<u>18,694,500</u>
9652	<u>Budgeted FTE</u>	<u>32.0</u>
9653	<u>Authorized Capital Outlay</u>	<u>500,000</u>

9654 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of  
 9655 Finance reflect all closing fund balances from Department of Administrative Services Internal  
 9656 Service Funds - Risk Management as fiscal year 2022 beginning fund balances in Department  
 9657 of Government Operations Internal Service Funds - Risk Management.

9658 In accordance with UCA [63J-1-201](#), the Legislature intends that the Department of  
 9659 Government Operations report performance measures for the Risk Management line item,  
 9660 whose mission is "to insure, restore and protect State resources through innovation and  
 9661 collaboration." The department shall report to the Office of the Legislative Fiscal Analyst and  
 9662 to the Governor's Office of Management and Budget before October 1, 2021 the final status of  
 9663 performance measures for FY 2021 and the current status of the following performance  
 9664 measures for FY 2022: 1) follow up on life safety findings on onsite inspections (target:  
 9665 100%); 2) annual independent claims management audit (target: at least 96%); and 3) ensure  
 9666 liability fund reserves are actuarially and economically sound (baseline: 90.57%; target: 100%

9667 of the actuary's recommendation).

9668 ITEM 51

9669 To Department of Technology Services Internal Service Funds - Enterprise Technology

9670 Division

9671 From Dedicated Credits Revenue (127,672,400)

9672 From Beginning Fund Balance (26,960,600)

9673 From Closing Fund Balance 26,636,200

9674 Schedule of Programs:

9675 ISF - Enterprise Technology Division (127,996,800)

9676 Budgeted FTE (730.6)

9677 Authorized Capital Outlay (6,000,000)

9678 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of

9679 Finance reflect all closing fund balances from Department of Technology Services Internal

9680 Service Funds - Enterprise Technology Division as fiscal year 2022 beginning fund balances in

9681 Department of Government Operations Internal Service Funds - Enterprise Technology

9682 Division.

9683 ITEM 52

9684 To Department of Government Operations Internal Service Funds - Enterprise

9685 Technology Division

9686 From Dedicated Credits Revenue 127,672,400

9687 From Beginning Fund Balance 26,960,600

9688 From Closing Fund Balance (26,636,200)

9689 Schedule of Programs:

9690 ISF - Enterprise Technology Division 127,996,800

9691 Budgeted FTE 730.6

9692 Authorized Capital Outlay 6,000,000

9693 The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of

9694 Finance reflect all closing fund balances from Department of Technology Services Internal

9695 Service Funds - Enterprise Technology Division as fiscal year 2022 beginning fund balances in

9696 Department of Government Operations Internal Service Funds - Enterprise Technology

9697 Division.

9698 In accordance with UCA [63J-1-201](#), the Legislature intends that the Department of  
9699 Government Operations report performance measures for the Enterprise Technology Division  
9700 line item. The department shall report to the Office of the Legislative Fiscal Analyst and to the  
9701 Governor's Office of Management and Budget before October 1, 2021 the final status of  
9702 performance measures for FY 2021 and the current status of the following performance  
9703 measures for FY 2022: 1) customer satisfaction - measure customers' experiences and  
9704 satisfaction with IT services (target: an average of at least 4.5 out of 5); 2) application  
9705 availability - monitor DTS performance and availability of key agency business  
9706 applications/systems (target: at least 99%); and 3) competitive rates - ensure all DTS rates are  
9707 market competitive or better (target: 100%).

9708 Subsection 209(d). **Intent language.**

9709 Notwithstanding the effective date of this bill, the Legislature intends that the affected  
9710 agencies have until July 1, 2022, to update the financial and information systems necessary to  
9711 come into full compliance with the provisions of this bill.

9712 Section 210. **Effective date.**

9713 This bill takes effect on July 1, 2021.

9714 Section 211. **Revisor instructions.**

9715 The Legislature intends that the Office of Legislative Research and General Counsel, in  
9716 preparing the Utah Code database for publication, not enroll this bill if S.B. 182, Department of  
9717 Government Operations - Cross Reference Changes, does not pass.

9718 Section 212. **Revisor instructions.**

9719 The Legislature intends that the Office of Legislative Research and General Counsel, in  
9720 preparing the Utah Code database for publication, on July 1, 2021:

9721 (1) replace "Department of Administrative Services" with "Department of Government  
9722 Operations" in any new language added to the Utah Code by legislation passed during the 2021  
9723 General Session;

9724 (2) replace "Department of Technology Services" with "Division of Technology  
9725 Services" in any new language added to the Utah Code by legislation passed during the 2021  
9726 General Session; and

9727 (3) replace "Department of Human Resource Management" with "Division of Human  
9728 Resource Management" in any new language added to the Utah Code by legislation passed

9729 during the 2021 General Session.

9730 Section 213. **Coordinating S.B. 181 with H.B. 27 -- Technical amendments.**

9731 If this S.B. 181 and H.B. 27, Public Information Website Modifications, both pass and

9732 become law, it is the intent of the Legislature that the Office of Legislative Research and

9733 General Counsel prepare the Utah Code database for publication by:

9734 (1) renumbering Section [63F-1-701](#) to [63A-16-601](#) instead of [63A-12-201](#);

9735 (2) changing all cross-references in H.B. 27 that refer to Section [63A-12-201](#) to instead

9736 refer to Section [63A-16-601](#);

9737 (3) renumbering Section [63F-1-702](#) to [63A-16-602](#) instead of [63A-12-202](#); and

9738 (4) changing all cross-references in H.B. 27 that refer to Section [63A-12-202](#) to instead

9739 refer to Section [63A-16-602](#).